"Implementation Status and Gap between Provisions and Practice of PESA Act : A Comparative Diagnostic-cum-Evaluation Study"

Submitted to :

Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI), Bhubaneswar, Government of Odisha

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ABBREVIATIONS

ABDO	-	Additional Block Development Officer
AM	-	Arithmetic Mean
APL	-	Above Poverty Line
APO	-	Assistant Programme Officer
BDO	-	Block Development Officer
BGJY	-	Biju Gram Jyoti Yojana
BGY	-	Biju Gajpati Yojana
BKBKP	-	Biju KBK Plan
BKY	-	Biju Kandhamal Yojana
BPL	-	Below Poverty Line
BRGF	-	Backward Region Grant Fund
BSY	-	Biju Setu Yojana
CBO	-	Community Based Organization
CBOs	-	Community Based Organizations
CDP	-	Community Development programme
CSD	-	Council for Social Development
CSS	-	Centrally Sponsored Schemes
CYSD	-	Center for Youth and Social Development (NGO)
DA	-	Dearness Allowances
DKDA	-	Dangaria Kondh Development Agency
DPC	-	District Planning Committee
DRDA	-	District Rural Development Agency
E	-	East
EAS	-	Employment Assurance Scheme
ED	-	Excise Department

EO	-	Executive Officer
FDR	-	Forest Dwellers Rights
FGD	-	Focus Group Discussion
FRA	-	Forest Rights Act
GGY	-	Gopabandhu Gramina Yojana
GO	-	Government Organization
GP	-	Gram Panchayat
GRS	-	Gram Rojagar Sewak
GS	-	Gram Sabha
HH	-	House Hold
HHH	-	Head of the House Hold
HKMDA	-	Hill Khadia and Mankadia Development Agency
IASCP	-	International Association for the Study of Common Property
IAY	-	Indira Awas Yojana
ISED	-	Institute of Social Economic Development (An NGO)
ISS	-	Institute of Social Sciences
ITDA	-	Integrated Tribal Development Agency
JE	-	Junior Engineer
JSPL	-	Jindal Steel Plant Ltd.
kms	-	Kilometer
LAMP	-	Large Adivasi Multi-purpose Primary Societies
MBPY	-	Madhu Babu Pension Yojana
MFP	-	Minor Forest Produce
MGNERGS	-	Mahatma Gandhi National Employment Guarantee Scheme
MOTA	-	Ministry of Tribal Affaires
MOU	-	Memorandum of Understanding
MP	-	Madhya Pradesh

N	-	North
NAC	-	Notified Area Council
NEP	-	National extension Programme
NFFW	-	National Food For Work Programme
NGO	-	Non-Governmental Organization
NGOs	-	Non Governmental Organisations
NIRD	-	National Institute of Rural Development
No.	-	Number
NREGS	-	National Rural Employment Guarantee Scheme
NTFP	-	Non-Timber Forest Product
OBC	-	Other Backward Class
OFDC	-	Orissa Forest Development Corporation
OSATIP	-	Orissa Scheduled Areas Transfer of Immovable Property
PA	-	Project Administrator
PAL	-	Panchayat at Appropriate Level
PDS	-	Public Distribution System
PESA	-	Panchayat Extension to Scheduled Areas
POSCO	-	A Steel Company of South Korea
PR	-	Panchayati Raj
PRIA	-	Participatory Research in Asia (an NGO)
PRIs	-	Panchayati Raj Institutions
PRS	-	Purposive Random Sampling
PS	-	Panchayat Samiti
PTG	-	Primitive Tribal Group
RCDC	-	Regional Center for Development Cooperation
RGSY	-	Rastriya Gram Swaraj Yojana
RIs	-	Revenue Inspectors

RMC	-	Regional Marketing Committee
SA	-	Social Audit
SC	-	Scheduled Caste
SCSTRTI	-	Scheduled Castes and Scheduled Tribes Research and Training Institute
SD	-	Standard Deviation
SEWAK	-	Self Employed Worker's Association Kendra (An NGO at Sundargarh)
SFCs	-	State Finance Commissions
SGRY	-	Sampoorna Gramin Sworazgar Yojana
SHG	-	Self Help Group
sq.	-	Square
ST	-	Scheduled Tribe
TAC	-	Tribal Advisory Council
TDCC	-	Tribal Development Corporative Corporation
TFD	-	Traditional Forest Dwellers
TRI	-	Tribal Research Institute
TRIPTI	-	Targeted Rural Initiative for Poverty Termination and Infrastructure
TSP	-	Tribal Sub-Plan
ULBs	-	Urban Local Bodies
WEO	-	Welfare Extension officer
WLCS	-	Wild Life Conservation Strategy
ZP	-	Zilla Parishad

Glossary

Correlation matrix: To locate the correlation for any pair of variables, the value in the table for the row and column intersection for those two variables is shown in matrix form.

FGD: A Focus Group Discussion is a form of qualitative research in which a group of people are asked questions (non-structured) pertaining to the research theme.

Gram Panchayat: *It is the lowest structure of the Panchayati Raj System consisting of Sarapanch, Panchayat Secretary and ward members.*

Gram Sabha: *It is the assembly of all voters of the Gram Panchayat*

Likert Scaling Technique (LST): A Likert scale measures the extent to which a person agrees or disagrees with the question. The most common scale is 1 to 5. Often the scale will be 1=strongly disagree, 2=disagree, 3=not sure, 4=agree, and 5=strongly agree.

MFP: Minor Forest Produce like, mahuli, tamarind,turmeric, jhuna,sala seeds collected by the tribals in the tribal areas are the major sources of their livelihood.

Panchayat Samiti: *It is the intermediary structure at the block level consisting of President, Vice President etc.*

Purposive random sampling: *When a researcher deliberately or purposely select certain data and randomly draw sample from the group.*

Palli Sabha: The concept of palli sabha is a novel feature of the gram panchayat administration in Orissa. For every village within the grama, the state government by notification, constitutes a palli sabha. Where the area within a ward constituted for the grama consists of more than one village, there shall be only one palli sabha for it

Regression: A statistical measure that attempts to determine the strength of the relationship between one dependent variable (usually denoted by Y) and a series of other changing variables (known as independent variables).

TSP: Tribal Sub-plan Approach envisages the integrated development of tribal areas. The objective is to bring the area at par with the rest of the state and raise the level of welfare of STs.

Village: *The area defined, surveyed and recorded as separate village.*

Zilla Parishad: *Zilla parishad is the apex tier of all the three tiers of PRIs. President is the head of zilla parishad. It is the responsibility of zilla parishad president to look after his/her zilla parishad as well as all the three-tier institutions*

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background

The Panchayats Extension to scheduled Areas Act (PESA Act), 1996 envisages the establishment of village Panchayat as self-governing institution. As per the guideline of the Central Government and in accordance with the provision of PESA Act, 1996 necessary amendments have been made to the Odisha Panchayat Acts on 22nd December 1997. The Acts are titled as Odisha Gram Panchayat Amendment Act 1997, Odisha Panchayat Samiti Act, 1997, Odisha Zilla Parishad Act, 1997. The guideline provisions of the Act were followed in the elections to PRIs held in February 2002, March 2007 and February 2012 in the State of Odisha. In pursuance of the provisions in the amended Acts, the respective administrative departments have made some changes in the existing State laws relating to the transfer of power to PRIs. Steps have also been taken at GO and NGO level for creating awareness about the PESA Act and its provisions, powers and functions of the PRIs and the elected members and to empower them for better implementation of the Act in the interest of tribal empowerment and development. The basic provision of the PESA is aimed at facilitating participatory democracy in tribal areas by empowering the Gram Sabha to manage and control its own resources. The Gram Sabhas are given special functional powers and responsibilities to ensure effective participation of tribal communities in their own development in harmony with their culture so as to preserve/conserve their traditional rights over natural resources. The Act is intended to restore primary control over natural resources including land, water, forest, minerals and bestow ownership rights of Gram Sabha over Minor Forest Produces.

Problem area

In spite of enactment of several self-rule legislations exclusively PESA Act, the interest of tribals continues to be neglected due to certain gaps in the Act. PESA Act has a main objective of empowering GS with regard to (i) control over money-lending, (ii) matters of prohibition or regulation or restriction of the sale and consumption of intoxicants (iii) ownership of minor forest produce (MFP) (iv) land transfer (v) land acquisition (vi) lease of minor minerals (vii) regulation of village market. Above all, Gram Sabha plays a vital role in functioning of the subjects under PESA Act.

Study Rationale

Studies on effective implementation of the Act and awareness generation among the tribals in the Fifth Schedule Areas of the State are scanty and limited so as to understand the fulfillment of the objectives and goals of PESA Act at the ground level. The Government of India, in the Ministry of Tribal Affaires (MOTA), New Delhi vide the Order No. 11024/10/2010-11/R&M communicated the approval of the Annual Work Plan of SCSTRTI for the year, 2010-11, which includes the above captioned evaluation studies.

With this backdrop, the SCSTRTI, Odisha, Bhubaneswar (as a Nodal TRI) has proposed to undertake the research titled, “Implementation Status and Gap between Provisions and Practice of PESA Act in three tribal dominated States of India (Andhra Pradesh, Jharkhond and Odisha; A Comparative Diagnostic-cum-Evaluation Study”. The ISS having the expertise

on local governance has been assigned to take up the above mentioned study in collaboration with SCSTRTI, Odisha.

Objectives of Study

- To make an assessment of status/functioning of the PRIs after 73rd Amendment and PESA Act in scheduled area.
- To examine the degree of understanding about PESA Act among PRI members and community and their extent of empowerment and to identify the organizations (GO/NGOs/CBOs) taking initiative/efforts for empowering and strengthening PRIs in Scheduled areas.
- To evaluate peoples' participation especially women in the democracy and development process in the light of flow of funds and implementations and achievements of different development schemes.
- To identify shortcomings in implementation of the Acts related to PRIs and problems of Tribal PRIs Representatives in participating the democracy and development process,
- To review central and state legislation of PESA and make suggestions to bridge the gap between the provisions of the Central Acts and the State Panchayat Acts and legislations, devolution of powers to PRIs by different Development Departments and for taking up further measures towards achievement of the objectives of PRIs.

Sample Design

- The study covered 4 scheduled districts. The sampling was multi-stage random sampling. Selection of three districts was done randomly through lottery method from full TSP and one from partly TSP area. The districts which were studied earlier were not taken into consideration for the purpose. The districts like Nabarangpur, Sundergarh and Kandhamal from TSP area and Keonjhar from partly TSP area were covered for the present study selected randomly through lottery method.

- From each select district, two blocks were chosen on the basis of stratified random sampling. One block from a very backward and another from a backward ITDA blocks (Regional Imbalance Commission Report 2002-03) were drawn. Similarly, from each block, two GPs-preferably the head-quarter GP and another long distance from GP to the block headquarter were taken for the study. In the process, 4 districts, 8 blocks and 16 Panchayats were covered in the present study. For collection of household data, purposive random sampling (PRS) was adopted. Out of total households, sample size of 10 % households was selected who belong to BPL categories. FGDs were conducted in 10% of total villages of select GPs. The villages were selected on random basis. Household data was collected from the rest 90% villages of the respective GPs.

Methodology

This study was empirical in nature. Data was collected from both primary and secondary sources. Primary data included (i) Household survey (ii) FGD (iii) Semi-structured/informal interviews with the key stakeholders like elected Panchayat representatives, officials, NGOs/CBOs, Village leaders and cross-sections of society (iv) case studies (success/failure) (v) Field Observations.

The qualitative aspect of the study was assessed with the help of statistical tools like (i) Likert Scaling Technique(LST) with slight modification (for the purpose of the present study) adopted to assess the qualitative variables by putting score value. (ii) Regression and Correlation models are used to establish relation between the variables (significant/ insignificant).

Limitations

The study has certain limitations (i) The study could not assess functioning of some subjects under PESA Act like land acquisition, minor minerals and minor water bodies etc as instances of such cases were not found in select villages under GPs in the study areas (ii) The findings are limited to the study area only.

Chapterisation

The study report is divided into eight chapters. First Chapter contains Introduction covering backdrop, objectives, sample design and methodology, hypothesis, review of literature etc. In the Second Chapter status of Panchayati Raj system in India and Odisha: historical perspective and current status are briefly highlighted. Provisions of 73rd Amendment Act and PESA Act and implementations of the Acts in the State of Odisha are focused in Third Chapter. The Fourth Chapter gives a picture on Profile of study Area. Fifth chapter analyses role of GS in implementation of PESA Act. Sixth chapter examines situational analysis on the working of PESA based on research findings. Impact of PESA Act and its critical gaps in the implementation process are reflected in the Seventh Chapter. Conclusion and suggestions are summarized in the Eighth Chapter. The following are key findings of the study:

Gramsabha and People's Participation

- The correlation matrix revealed that the relationship between awareness and location of GP is negative (-0.01). It indicates that when distant of GP increases, awareness level decreases and vice-versa.
- The correlation between participation and awareness is also negative (-0.17). It implies that when participation is more, awareness level is low and vice-versa, but the correlation between awareness and literacy shows positive relationship (0.14) indicating that increase in literacy rate increases awareness level and decrease in literacy rate decreases awareness level.
- It is also revealed that among all the study districts, highest number of participation of people in GS was found in Nabarangpur district (62.9%) and lowest in Kandhamal district (17.2%).
- Correlation between participation and literacy and correlation between participation and head of the households age (15-45 years) are significant.
- During conduct of FGD in Baraguda village of Banspal GP, male persons sat quite at a distant from female persons. When enquired about this, it was known that it was a kind of honour given to their male relatives. It is a matter of concern that when female members are restricted even to sit in front of/aside to their male relatives, how can it be expected that they would be raising voice or participating in the decision-making.
- Above all, it is observed that discussion on social audit camps enhances people's empowerment. As a result of social audit, functionaries have always a fear in their mind that they are accountable to people. So in the process, both accountability and transparency is ensured.

Money Lending

- During conduct of FGD, it was found that as per money lending rules, there is no license-holding money-lender. But illegal money lending is prevailing in 6 villages (33.3%) out of 18 villages. Loan giving on verbal understanding prevails in all the select villages. People depending on SHG loan are found in 15 villages (83.3%). It was also noticed that in 7 villages (38.9%), people depend on financial institutions for loan.

Control over manufacture consumption and sale of toxicants

- During conduct of FGD, it was found that GPs having no licensed liquor shop are having so due to (i) no one applied for issue of license in those GPs (ii) GS members did not agree to open liquor shops and that was acted upon. In the present study, out of total 18 FGD conducted in villages, 11 villages reported that the concerned GPs received application through excise department forwarded by respective collectors. But only 3 (27.3%) villages reported that GS meeting was conducted in order to take opinion from people regarding opening of liquor shops. In 2 villages of concerned GPs (66.7%) people's opinion with regard to opening of liquor shop was upheld.

Control over Minor Forest Produce

- In the present study, price list is available in 4 GPs only. But in no other GP covered under FGD, transaction is done as per price list given by Panchayat Samiti.

Transfer of lands and restoration of unlawfully transferred lands

- As regards illegal transfer, of lands it is found that out of 7 illegal transfers, 6 persons filed petition to Sub-collector and only one person of Megdega GP (case study) got his land restored. During discussion with people in18 villages, transfer of land from tribals to non-tribals is stopped in all the 18 villages. But tribal to tribal transfer as per conditional restriction is working in 3 villages (16.7%). Transfer between tribal to non-tribal on verbal understanding is nil. But transfer between tribal to tribal as per verbal understanding is in force in 15 villages (83.3%).

Village Market

- During FGD, it was reported that out of 18 villages, 15 villages (83.3%) have weekly markets. It was enquired whether market is regulated by Gram Panchayat or any other agency. It is found that market is regulated by Gram Panchayat directly in 4 GPs (22.2%), through auction in 9 GPs (50%), RMC in 1 GP (5.5%). In one GP (5.5%) there is an open market neither controlled by GP nor by RMC.
- No land acquisition cases minor mineral and water bodies cases found in the study area.

Land Acquisition, Minor Minerals and Water Bodies

- The study could not cover the above mentioned subjects as no instance of land acquisition, lease of minor minerals and construction and maintenance of water bodies was available for study.

EMERGING FIELD ISSUES

Gram Sabha and People's Participation

- The GS, generally, finalises issues like beneficiary selection. Developmental work are discussed in the GS meeting.

- PESA subjects are not discussed in GS meetings.
- People who are beneficiaries of different schemes like pension, IAY etc. seen to attend Palli Sabha/Gram Sabha.
- Male persons in the family do not allow female members for attending and discussing in the meetings. Anybody who attends and takes part in the discussion, is subjected to social taboo and harassment.
- In some cases, women who get information about GS meeting, attend such meetings but their participation in decision making is very low.
- Except NREGS, no other schemes are discussed in the GS on SA.

Money Lending

- People are not aware about rules regulating money lending and role of Panchayat there in particularly under PESA Act.
- Money-lending, with verbal understanding, is prevailing among the friends and relatives. The loan is either in terms of produce (paddy) or in cash.
- Loan is secured either in the form of kind (paddy) or in cash. In case of kind, the rate of interest goes as high as 50% and 20% in case of Cash loan. People also take loan from SHGs. In some cases, people repay loan at the rate 20% interest per annum. People also depend on cooperative societies (LAMP) for purchase of fertilizers and manures.
- Regarding money lending, BDO Tentulikhunti and Umorekote Blocks have not received any complaint as against illegal money-lending.
- No license has been issued for money lending business as verified from Sub-collector's office - Banai, Sundergarh district.
- No application has been received for issues of licence for money lending as reported by officials of sub-collector office, Banai.
- It was also verified from the Task-Force Report at sub-collector office, Banai that no money lending cases were detected by either RIs or WEOs who had been assigned to detect the cases in their respective areas.

Consumption of Intoxicants

- Gram Sabha is called for, discussion on opening of liquor shop. Resolution is sometimes is passed against people's opinion. Sarpanch imposes/forces upon ward members to sign-such resolution on the pretext of securing pension or any other benefit. Ward members sign without knowing/reading the contents of the resolution.
- Illegal liquor shops are opened with the knowledge of Sarpanches.
- Licensed liquor shops are opened without the knowledge of people.
- Licensed liquor shops are also opened in some cases against people's opinion.
- Special Gram Sabha is not called for discussion on opening of liquor shop.
- Some Sarpanches are reportedly not sending consent letter within 30 days as stipulated under rules for opening of liquor shop. Even some of them appear to do not know about the procedure of opening of liquor shop. Even some of them might be deliberately causing delay in sending reply within the stipulated time. On this score, it speculated that they might be influenced by monetary benefit the liquor license applicants.
- On the whole, people and elected representatives are not aware about the detailed provisions about PESA Act.

- No full-fledged initiatives have been taken by either government or NGOs. Only in Gochapada GP of Phiringia Block, one NGO seemed to have intervened and explained to some people about provisions of PESA Act.

Ownership of MFPs

- People are not aware of MFP rules.
- Traders of MFP do business without registering their names in the Gram Panchayat concerned.
- Primary gatherers do not know about provision under PESA Act.
- In most of the cases price is fixed by the traders. Since people are not aware that prices are to be fixed by Panchayat Samiti (uniform price), they offer goods at traders' price.
- Panchayat has no role in price fixation.
- MFPs are sold without following the price-list fixed by Panchayat Samiti and displayed in GP office. So at times, the primary gatherers of MFP sell the products at a cheaper rate as demanded by the traders.
- The primary gatherers in some areas sell MFPs at a higher price than the price fixed at Panchayat Samiti level which is too low.
- In Saharpada GP of Keonjhar district, there are some private godowns. Primary gatherers dispose of their products in the godowns. Outsiders (traders) buy from these godowns. Price is fixed by the traders.
- Suo-mottu registration of traders for trading in MFP is very less.
- Functionaries in weekly market inform, convince and mobilize for registration of traders with the GP concerned.
- Not a single registration has been done in Gudari GP
- Price list comes every year during October-September
- Transaction is not done as per pricelist fixed by PS
- Except in one or two cases, normally MFPs are sold at a higher rate (justified)
- There is very limited awareness and understanding among the PRIs on MFP, rules and regulations. Hardly any effort has been made both by the government functionaries and PRIs to sensitise Gram Panchayat representatives on their duties and responsibilities in the management of MFP.
- GPs are involved in implementation of many anti-poverty and social security schemes. Sarapanch and Secretary of GPs are already over-burdened and as such are not showing keen interest in management of MFP. Rather they are more interested for additional development programmes to be implemented in their Panchayats.
- The role of GP has been limited only to registration of traders and collection of registration fee of Rs. 100. Beyond this, they don't monitor the activities of the traders in procurement of MFP in the Panchayat area. GPs don't perform this because they claim that they have not been provided with appropriate power to control MFP trade.
- If the primary collectors and SHGs collectively bargain with the traders for fair price, then the traders stop coming to the area for buying MFP. There is no alternative buyer or arrangement available to help the primary collectors to sell their products. In such situations, distress sale takes place.
- It is very difficult to monitor the activities of the traders as they don't report to the GPs from where they are buying, what quantity and where they are storing the produces. No reports on the prescribed format are being submitted to the Gram Panchayat by the registered traders. GPs have not taken any action against them yet.
- Fixation of price is not done in time by the Panchayat Samitis and after fixation of prices, it is not properly disseminated to the GPs. The GPs also don't take appropriate

measures for informing primary collectors on the price fixed. There is no proper guideline for fixation of prices at the Panchayat Samiti level. They just review the previous year's price and declare the same price or that with little modification.

Land Transfer

- Transfer of land in form of mortgage between tribals is still continuing on verbal understanding.
- Land transfer from tribal to non-tribal has been stopped since 2002 by amending 1956 regulation. (Regulation-2).
- People are aware about the ban of land transfer from tribal to non-tribal. But between tribals, the conditional transaction of land was not known to people. This needs to be disseminated further.
- It is noticed that restoration is done in pen and paper only. In most of the cases, the land remains with the second party (non-tribal) only. Physical possession of restored land is actually not given effect to.
- As per the report given by functionaries, GP is not intervening in any land issues. They are not aware about the role of GP in resolving land related issues.

Regulation of Village Market

- GP markets are invariably put to action. They are regulated and controlled by Gram Panchayats.
- In a few cases like Saharapada GP, the market is regulated by the Regulated Market Committee.
- In some Gram Panchayats, markets do not exist. Therefore, people depend on neighboring markets beyond the GP's area.

Suggestive Recommendations

The suggestions that emerged from the opinions of various key stake- holders and study results of the present study are placed for considering those as policy recommendations:

- Extensive training and awareness programmes should be given at block and GP level.
- NGOs may be associated to take initiative for arranging awareness programmes in greater scale in rural areas at least at GP & block levels.
- Important dominating persons/leaders among tribals should be identified to create non-governmental cadres at GP level for strengthening implementation of PESA Act. They should be well trained about PESA Act in order to further disseminate awareness in their respective areas on implementation of PESA Act.
- Special officers should be appointed/designated to monitor implementation of PESA Act in each scheduled district.
- Elected representatives of PRIs should be given intensive training on PESA Act and role of Gram Sabha for effective implementation of the Act.
- WEOs should identify the illegal money lenders and bring to the notice of the concerned BDOs/sub-collectors for taking action against them.
- Since sub-collector is the competent authority for issuing licenses to the moneylenders, illegal money lending can be tracked and reported through Tahasildars/RIs, for needful action against them.
- The MFP price determined at Panchayat Samiti level should be communicated to Panchayats regularly by a specific date and month in lease year.
- The MFP price should be fixed considering local market price keeping in the interest of tribal gatherers.

- Price list should be displayed at Panchayat office and public places including village markets.
- Monitoring by Panchayat functionaries is highly needed to identify the traders doing business without registering with Panchayat. For this, they should be given legal powers to prosecute defaulters.
- Illegal liquor shops should be strictly prohibited. If any such case is detected, he should be penalized. The Gram Panchayat should be empowered to take legal action against illicit liquor business.
- Local leaders should be vigilant when the process of opening of liquor shop starts. The opinion of Gram Sabha on liquor licence should be binding and absolute.
- Close monitoring is essential to stop transaction of land transfer between tribals which is still prevailing on verbal understanding.
- Market infrastructure should be developed. Markets under the control of RMC be transferred to the Gram Panchayats.
- The state government needs to frame detailed rules under PESA Act which has been unduly delayed without waiting for such rules to be notified by government of India.
- In matters relating land acquisition, rehabilitation and resettlement lease of minor minerals, the Gram Panchayats should be endowed with the power of consent and recommendation which shall be binding. These powers be withdrawn from Zilla Parishad and the relevant law suitably amended.
- A high power committee/task force be constituted to monitor and review the working of PESA Act in the state under the monitoring supervision of Hon'ble Governor of the state.
- Representatives of all concerned departments with regard to money-lending, land alienation and restoration, control over money-lending, control over intoxicants, regulation of village markets, preparation and finalization of tribal sub-plan etc may be included in the high power committee.
- The TAC should discuss and review implementation of PESA Act in the state in its meeting on regular basis. A special chapter in the Annual Administration Report of Governor on Scheduled Areas be included.
- Functionaries from district level down below be entrusted with specific target-oriented responsibilities with in-built accountability and transparency mechanisms.
- If a setup rules under PESA Act is not finalized and approved immediately, atleast a set up detailed guidelines could be prepared and approved for implementation.
- It is suggested that an institution like ombudsman could be created with full, independent and transparent authority to monitor, oversee, and impart guidance to government on implementation of PESA Act, Forest Right Act and other legislations intended directly or indirectly for overall development of Scheduled Areas. This body can function under direct control and direction of the Governor of the state.

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Chapter-I

Introduction
Backdrop, Study Area, Methodology and Review of Literature

BACKGROUND

The Panchayats Extension to scheduled Areas Act (PESA Act), 1996 envisages the establishment of village Panchayat as self-governing institution. As per the guidiline of the Central Government and in accordance with the provision of PESA Act, 1996 necessary amendments have been made to the Odisha Panchayat Acts on 22nd December 1997. The Acts are titled as Odisha Gram Panchayat Amendment Act 1997, Odisha Panchayat Samiti Act, 1997, Odisha Zilla Parishad Act, 1997. The guideline provisions of the Act were followed in the elections to PRIs held in February 2002, March 2007 and February 2012 in the State of Odisha. In pursuance of the provisions in the amended Acts, the respective administrative departments have made some changes in the existing State laws relating to the transfer of power to PRIs. Steps have also been taken at GO and NGO level for creating awareness about the PESA Act and its provisions, powers and functions of the PRIs and the elected members and to empower them for better implementation of the Act in the interest of tribal empowerment and development. The basic provision of the PESA is aimed at facilitating participatory democracy in tribal areas by empowering the Gram Sabha to manage and control its own resources. The Gram Sabhas are given special functional powers and responsibilities to ensure effective participation of tribal communities in their own development in harmony with their culture so as to preserve/conserve their traditional rights over natural resources. The Act is intended to restore primary control over natural resources including land, water, forest, minerals and bestow ownership rights of Gram Sabha over Minor Forest Produces.

Review of Literature

The writings and findings from some authentic literatures provide enough scope for the relevance of present study on "PESA Act and its Implementation in Tribal Areas of Odisha: An Empirical Evaluation". These reveal the existing practices and provisions of different Acts implemented for the benefit and development of scheduled tribes. Related studies undertaken by different researchers and institutions are analyzed below:

National Context

The book "Panchayats in Scheduled Areas" by K.B. Srivastav is the product of an assignment given by the Union Ministry of Rural Areas and Employment. It starts with the provisions of 73rd &74th constitutional Amendments and reviews the Bhuria committee report. It reviewed the PESA Act and its provisions. This central Act (PESA) mentions four types of powers to be given to Gram Sabha. They are (i) mandatory powers, (ii) consulting powers, (iii) recommendatory powers and (iv) powers to be devolved by the State governments. The report under review examines details of these powers and assesses the extent to which the State governments have operationalised the provisions of the Act. It is reported that in most of the states, the spirit of the Central Act was not emulated. None of the states endowed the Panchayats to enable them to function as institutions of self-governance. For proper governance and to overcome difficulties, the report suggests certain changes & measures .The

Central Act of 1894 on land acquisition as amended in 1984, does not require consultation with Gram Sabha or Gram Panchayat before acquiring land in scheduled areas. This was suggested to be suitably amended. Many states, after extending the Panchayats Act of 1996, did not amend the relevant State Acts. For example except Madhya Pradesh and Gujarat, other states did not change mining license, mining lease or concessions for exploiting minor minerals. Except Gujarat and Maharashtra, other states had not changed rules under their Minor Forest Produce Acts for empowering the Panchayats to regulate collection and disposal of the minor forest produce. In many states, provisions pertaining to land alienation were not changed and hence, Gram Sabhas are ineffective in preventing land alienation. In brief, the state governments while amending their Panchayat Acts simply followed the letter and not the spirit of the Central Act of 40 of 1894 as amended in 1984.

H.R. Trivedy in his book, "History of land systems and Reforms", has focused the different stages of land reforms and provisions of Fifth and Sixth Schedules of the constitution of India. Under Fifth Schedule, the states Governors are given almost unlimited powers to make regulation for improving the socio-economic conditions of tribals. Special regulation promulgated by the Governor can modify any law of Parliament or State while applying to Fifth Schedule areas.

The paper on "Landless and land allotment", written by R. Murdia (1975) aims at reviewing the prevailing situation of land allotment and alienation with respect to Scheduled Caste and Scheduled Tribes. She examines various laws and measures adopted by state Governments to improve the conditions of tribals with regard to land. The paper also identifies defects in land laws, regulations and their implementation.

Janardan Rao in his book "Tribal land rights, government and socio political movements" observes that conception of land as property is strange to many tribal societies in the world. Tribal land-right is an issue that is essentially related to the whole structure of land relations, introduced, maintained and continued over the decades. He quotes the "National Committee on Development of Backward Area" and observes that by 1981, over one half of the tribal landholdings were alienated in favor of non-tribals.

In "to be governed or to be self-governed" Adivasi folio 2000, S.M. Kothari examines PR Acts, PESA and observes that during the British Raj with one legislative change viz-India's Forest Act, tribals became trespassers in their own forestlands. Even after independence, Indian government retained the same and continued the same colonial attitude and policies over Adivasis.

In Mid-1980s, B.D. Sharma (Commissioner of STs) highlighted the plight of the Adivasis. Responding to the grave situation, the Parliament set up Bhuria Committee and passed PESA Act recognizing Adivasi's right to self-rule. The 1996 Act empowers the Gram Sabha to secure self-governance. It is reported that in many Scheduled-V Areas, Gram Sabha is virtually non-existent. In any case, PESA is a great opportunity to undo a historical injustice and to make Gram Sabha flexible enough to mould to local conditions.

In a study of the "Tribal People and Tribal Areas in MP" by B.K. Dube and F. Bahadur (1996) it was revealed that in the tribal areas which are now more accessible and where money-lenders are well-established, 40% of the tribal families were found to be indebted. The magnitude of indebtedness varies from tribe to tribe and from district to district, depending on their social life, economy and availability of credit agencies.

Dr B.M. Bordolo on "Transfer and Alienation of Tribal Land in Assam with special reference to the Karbis of the Karbi, Anglong district" (1991) made an attempt in to study the 'Transfer and Alienation of Tribal Land in Assam' in order to investigate as to how transfer and alienation of tribal lands are going on unabated in spite of the existence of legal provisions in the plane districts of Assam and also among the Karbis. The study reflects how adversely transfer and alienation of lands has affected the various aspects of socio-economic life of the tribal people. Similarly alienation of tribal land due to establishment of industrial and irrigation projects and acquisition of land for public purposes, are themselves problems of grave nature, which have resulted in causing sufferings of the affected families. The study tried to bring to light some hither to unknown facts in regard to the transfer and alienation of tribal lands in their proper perspectives. The extent of transfer and alienation, its 'modus operandi' and the consequences thereof are analyzed. After analyzing the causes, problems and consequences, suggestions are put forward for preventing transfer and alienation of tribal land.

K.N. Sharma in his study on "Developmental planning for M.P. Tribes", mentions that in the system, a particular money lender-cum-trader-cum contractor is served by a group of tribal families from one generation to another. Almost all the products from such families flow to this person, and all their purchases are made from him. The law does not help because the tribal fully realizes his dependence on the money-lender and because of his simplicity, honesty and ignorance, is unwilling to come to court and contest against the claims of the moneylender.

"The Tribal culture of India" by L.P. Vidyarathi and Binaya Kumar Rai, starting with the importance of tribal India in the history of India civilization, makes a comprehensive study of the economic, social, political and religious organizations of the Indian tribals. The psychological factors in personality structure in tribal setting have been studied and discussed in detail. The other major aspects discussed are: tribal village, customs, approaches, planning and programme for tribal development and cultural change in the tribes of India, today.

"Tribal Affairs in India" by Dr. B.D. Sharma is one of the first authoritative books on relevance of the Fifth Schedule in tribal affairs. The book concerns the struggle for survival of more than eight million tribal people in India. They comprise more than hundred communities, small and big at different stages of the so called development right from hunters and gatherers at the one end and shifting cultivators, traditional farmers on to those caught in the whirl of the industrialization at the other end. Our constitution particularly the V^{th} Schedule presents a near ideal frame for managing the crucial change. The book presents a historical perspective and the grand vision of our founding fathers. It critically analyses the great confusion, which has prevailed ever since as also the stark unconcern of the rulers and the callous direction of duty on their part. Even constitutional bodies have fluttered in their assigned task It has caused irreparable damage to many a people. Some weakest groups are on the verge of extinction. The relevant constitutional conventions, the historic judgment of the Supreme Court and the lists of the scheduled tribes and scheduled areas are also reproduced for handy reference in this book.

The Study on "Impact of State legislation on the Empowerment of Gram Sabha in Scheduled V Areas" undertaken by NIRD study team tried to assess the impact of state legislation on the empowerment of the Gram Sabha (self- governance) and the levels of awareness of people and their consequent participation in the deliberations in Gram Sabha. In pursuance of this,

the study made an analysis of national and state legislations on the subject and tried to assess the degree of conformity of State legislation with the Central PESA Act of 1996. The study showed that the conformity State legislations tend to give certain powers to the intermediate and higher level Panchayats rather than the Gram Sabha. For instance, the State of Gujarat has given extensive powers to the intermediate tier and not to the Gram Sabha. The power for prior consultation for acquiring land, management of water bodies, power to enforce prohibition and control over institutions and functionaries have all been given to the intermediate tier in the State. To that extent, the Gujarat Panchayat (Amendment) Act, 1998 significantly diluted the role of Gram Sabha. At the same time, nothing in the Act binds the Village Panchayat to act against the decisions of the Gram Sabha and the meaning of Panchayat at appropriate level (PAL) has been manipulatively worded as 'Gram Sabha' or 'PAL'. Other states also have allocated powers to different tiers, with the result, no uniform pattern emerges on this legislation.

The study also tried to explore conflicts arising out of the powers vested with the Gram Sabha under the PESA Act and the provisions contained in the various "subject matter" state laws. Under the PESA, the Gram Sabha or the Gram Panchayat at the appropriate level has been vested with the mandatory powers to regulate on subjects such as prohibition of intoxicants, control of MFP, alienation of land, money lending to tribals and control over local plants and their resources. On all these subjects, there exists specific State legislation, which effects the operation of the State variants of PESA. This study also found that rules and procedures for operationalising these Acts have not yet been formulated in most States. The insights collected from the field visits in all the five states showed little awareness and understanding of PESA among the members of Gram Sabha and the government functionaries. However, in areas where NGOs have been active, there appear to be some level of community mobilization and awareness of PESA. The lack of awareness of specific provisions has resulted in Gram Sabha not exercising vital powers to the extent they have been granted.

The study on "Gram Sabha and Social Audit in Schedule V Areas", undertaken by NIRD team covering the states of Rajasthan, Maharashtra and Madhya Pradesh focused on the analysis of 'social audit role' of the Gram Sabha in the framework of the provisions of PESA in the Schedule V Areas. The recommendations of Ashok Mehta Committee regarding the concept of social audit have been adopted in this study. A modest attempt has also been made to examine the field scenario about the execution of PESA provision to know if empowerment of Gram Sabha has actually taken place. The basic purpose of empowering the Gram Sabha was to provide its centrality as a watch dog agency at the grassroots level and promote peoples' participation in the decision making process at Panchayat level. The 'social audit' concept broadly envisages the exercise of these powers by the Gram Sabha effectively.

M. Aslam in his article on "Empowering Gram Sabha: Heart and Soul of Panchayati Raj System in India", suggested some necessary steps for creating conditions, which are conducive for the process of self-governance to flourish at the grassroots level. These may include (i) instead of an advisory body, the Gram Sabha should be made an approving/sanctioning authority for taking up any development programme at the village level (ii) the Gram Sabha should be allowed to function at the national level and state legislature at the State level. It should evolve its own procedure for conducting its business (iii) A Gram Sabha for several villages is not a practical proposition. Every village has its own existence. Distance becomes a barrier for an aged person or women to participate in Gram Sabha meetings. There is, thus, a need to redefine Gram Sabha. In order to take grass root democracy to the doorsteps of the people, every village irrespective of its size and

population should have a Gram Sabha (iv) it should be mandatory for every Gram Sabha to meet not less than four times a year. It will not be advisable to impose uniform dates for holding Gram Sabha meetings, because we live in a country, which is geographically diverse in nature. A particular date may suit one region but not another (v) in order to ensure participation of disadvantaged groups, the quorum for holding a Gram Sabha meeting necessary should include 33% participation/presence of women, SC/ST (vi) the role and responsibility of the Gram Sabha meetings and its functional relationship with Gram Panchayat need to be clearly spelled out.

Yatindra Singh in his article on "Decentralized Governance in Madhya Pradesh**:** Experiences of the Gram Sabha in Scheduled Areas" expressed the ground reality in non-functioning of GS and placed some needful suggestions. It has been observed that there is no direct involvement of tribals in the execution of the tribal sub-plan despite specific provisions. The Panchayat representatives and villagers at large are to be involved from planning to implementation in all development activities. Without peoples participation and involvement the targets cannot be achieved. It seems that only an amendment in the state Act a specific provisions for a new system will not change the scenario in the scheduled areas. There is an urgent need to opt for an effective system whereby people can be informed and motivated to come forward for the implementation and execution of Panchayat raj system in scheduled areas. There is an urgent need to break the culture of silence, as well as involve in capacity building, sensitization and orientation to improve the grass roots scenario. Participation in Gram Sabha meetings has been low. Low participation can be mainly attributed to the strong caste, class and gender divide in villages. Sarpanches and other influential people dominate in the decision-making process. Two prominent and sharply contrasting groups lead the Panchayats-One is group of traditionally influential representatives, and the other that of new entrants. This interest is likely to translate into a more broad-based and participative leadership at the grass root level. The need is to address the issue of awareness generation among the people. Training camps, awareness campaigns and audio-visual media can be of critical importance in sensitization and capacity building.

Sanjay Upadhyay (2004) in his paper on "Tribal Self-Rule Law and Common Property Resources in Scheduled Areas of India- A New Paradigm Shift or another Ineffective Sop?" presented at the Tenth Biennial Conference of the International Association for the Study of Common Property (IASCP) "The Commons in an Age of Global Transition-Challenges, Risks and Opportunities" hosted by the Instituto de Investigaciones Sociales, Universidad Naciona Autónoma de México Oaxaca, México, 9-13 August 2004 mentioned some glaring omissions in the State legislations when they are assessed for their conformity with the PESA Act. Some fundamental principles on which the PESA is premised such as state legislations on Panchayats shall be in consonance with customary laws, and among other things, traditional management practices of community resources; the competence of Gram Sabha in safeguarding and preserving traditions and customs of the people and the community resources have been omitted from the conformity Acts. For example, in Rajasthan some specific resources that have been impacted by the law on tribal self rule and the subsequent state legislations which include; management of minor water bodies, forest land especially relating to ownership of minor forest produce and tribal land alienation and restoration also need examination.

Odisha Context

The book "Two Tribal Friendly Acts and Their Implications" Edited by A.B. Ota and Karunakar Patnaik is a collection of 19 articles and three Gazette notifications of Government

of India. The contributions to this collection of articles are made by distinguished persons representing a wide range of disciplines from government, non-government, academic, social spheres and tribal development practitioners. Implementation of PESA in Odisha had been a matter of constant debate amongst the interested and enlightened practitioners in different foras while PESA engulfs about 9 states in India with large tribal population including Odisha. The constitutional mandate seems to have received less attention by the state government in its implementation. The article of Karunakar Patnaik analyses the broad features of constitutional mandate and reflects briefly the recommendations of Bhuria committee. The writer has attempted briefly to reflect the demographic status of tribals and the conformity legislations the state Governments have enacted in devolving powers and functions to Panchayati Raj Institutions in the state. Of the several critical issues connected to PESA, he has raised a few important gaps in the implementation of the Act with its intended objectives and vision. Shri J.P. Rout and Shri T. Sahoo have placed their reviews on the field research findings reflecting on the socio-economic and ethnic profile of elected Panchayat representatives in six blocks of three districts preceded by a vivid account of historical perspective of the emergence of PR Institutions in Odisha, the constitutional mandate and have placed a comparative chart on conformity legislations and devolution of functions to various tiers of PRIs. Prof L.K. Mohapatra and Paramjyot Singh have examined PESA from a critical point of view questioning the veracity of commonly used words like "customary law, social and religious practices" and "traditional management practices" not really specific in applicability context to Gram Sabha in tribal areas. Sri Saroj Kumar Dash has tried to focus on the constitutional provisions; recommendations of Bhuria committee report and in Odisha context, has tried to explain that implementation of PESA in the state is limited to cosmetic changes only without adequate devolution of power to PRI in tribal areas. Mr. Damodar Jena in his article "Status of PESA in Odisha, Jharakhanda, and Andhra Pradesh" has placed a status schedule of PESA. Sankarsana Hota presents a historical perspective of tribal administration over the years and highlights the fundamental principles of PESA stressing upon various tribal issues including dispute resolution and the mechanism to resolve them. Mr. Arun Kumar examines the theoretical framework, tribal perspective under the colonial rule, the pre and post-independence historical development and then of course, the positive and negative aspects of PESA. Highlighting the conformity efforts of Andhra Pradesh, he presents the study results of two-village Panchayats of Visakhapatanam district of Andhra Pradesh stressing more on training, awareness and empowerment for implementation of PESA Act. In his article on "Decentralized governance in Madhya Pradesh" Mr. Yatindra Singh emphasizes the need for greater participation of people at Grama Panchayat level and enhancement of their capacity building and of the functionaries for more effective implementation of PESA. Balaji Pandey of ISED explains how PESA Act has been diluted in most of the states. In many states there appears to be vivid reluctance in popularizing the Act and in the process, he holds the states as culpable. Prof R.M. Mallik mentions about the continued exploitation of tribals over the ages and the plethora of conflicting laws regulating tribal administration in the state. Dr. A.C. Sahoo's critical analysis of the of the "Scheduled Tribes and other Traditional Forest Dwellers Act, 2006" stretches back to historical events and laws and rules relating to forest administration which have affected tribal life very adversely. Dr. Sahoo, while elaborately explaining the provisions of the Act suggests that capacity building and awareness generation of the key stakeholders and government officials on the aforesaid Act needs strengthening.

Shri Sanjay Patnaik of RCDC has very vividly and analytically traced the historical background of forest administration in the country and Meena Das Mohapatra of PRIA assumes the Forest Rights Act as an instrument to ensure Forest Dwellers Rights. Sweta

Mishra of Vasundhara explains that the Forest Rights Act is a "decisive political shift" in recognizing the historical injustice caused to tribals hitherto.

An evaluation study on PESA Act undertaken by SCSTRTI (2009) tried to examine the implementation status of PESA in Odisha. Two scheduled districts namely Mayurbhanj and Rayagada were covered for the purpose. It also located the gaps in the implementation process and suggested the areas of improvement in the implementation of the Act. It was reported that the implementation of PESA is not effective. Mr. N. Pattanaik made a comparative study of two tribal development blocks in Odisha one in Koraput and the other in Mayurbhanj district The first block is hilly and forested while the second block has 80 per cent flat plains. In the first block tribals resort to shifting cultivation and also rely on food gathering and forest produce. In the second block the tribals carry on, settled agriculture. The study found that in the blocks in Mayurbhanj district, tribals are relatively better off than the one in Koraput, although they suffered from land alienation and have very small land holdings. Mr. J. Samal conducted an ecology based economy study of the tribals of Koraput region. It detailed micro level analysis of 365 days of engagement of the tribal households in 1983-84. Some groups as studied were living in hills with forest cover, others in hills without forest cover and some others in plateau and plains adopting settled agriculture. It focused on the agriculture and non-agricultural pursuits of the tribals, the relative efficiency and productivity of various activities, the level of income and purchase and also the seasonality of their operation.

A study on "The problem of Land Alienation of the tribal in and around Ranchi" by S. P. Sinha, states that tribal indebtedness is one of the causes of land alienation. Some of the tribal landowners have been in heavy debt for one reason or the other and it was only to pay off their debt that they often sold away the land for paltry sums of money. The administrators also feel helpless in putting an end to land alienation. Bhuvanendra P. and Tripathi S.P. in their study on "Recovery Trend of Land Development Banks-A study of the West Tribal of Madhya Pradesh" revealed that high over dues of the banks were due for the poor repayment performance of the borrower farmers. They found that the factors responsible for the high overdue were natural calamities, unfavourable geo-physical conditions, power shortage, low prices, low income and high cost of inputs, political influence and willful default.

S.K. Chowdhury's study in Garh-Tumilia village in Rajgangpur block of Sundargarh district is to ascertain the change in structure of landholdings and the extent to which Zamindari was abolished was intended to know persons affected by distribution of the surplus ceiling land and to asses efficiency in implementation by size and quality of land allotted and whether the land is effectively operated. Different institutions/ Organizations and social researchers have carried out a number of studies on different aspects of tribals and tribal issues. The review of studies was done with a view to identify the gray areas, which could be taken up in the present study as far as practicable. A study of NIRD, 2005 in Rajasthan, Chhatisgarh and Odisha on "Process of Acquisition of Land for Development of Mining Industry in Schedule-V Areas" examined the strength and weakness of PESA Act in empowering the Panchayat Raj Institutions with regard to grant of land for mining and also award of lease of major and minor minerals, the existence of any conflicts or contradictions between PESA Act and the earlier Acts on the subject as well as the procedures followed in the background of the PESA Act and the nature and extent of violations of PESA Act in these matters. The ISED study (1998) on "Depriving the Underprivileged for Development" examined: (i) the socio-economic, cultural and environmental impact of such projects on the people-both those displaced and those likely to be displaced in future. (ii) Reviewed the rehabilitation policies

of the different development projects of the state and examined the processes involved in their planning and the nature of their implementation. Another study taken by ISED on "Women and Land Alienation in Jharkhand, Chattisgarh and Odisha" (2007) covering the states of Jharkhand, Chattisgarh and Odisha highlights the implications of the aggressive growth centric development on women's livelihood sources which are being taken away or expected to be taken in near future by the state to accommodate new ventures of the corporate sector. Besides, the study examined the increasing vulnerability of women in the wake of opening up of new opportunities as a result of aggressive investment.

There has been continual alienation of land of the marginalized, especially the tribals. No legislation has been able to put a halt to land alienation. Big landholders have been grabbing the land of tribals either by flexing muscles or by manipulation of land records, joining hands with the land officials, or by lending money to tribals at exorbitant rates of interest. The study (NIRD, 2005) on "Alienation of Tribal lands in Schedule V Areas" covered states like Andhra Pradesh, Madhya Pradesh and Odisha. The study focused on the incidence and magnitude of land alienation, the methods adopted for transfer of lands, its socio-economic and psychological impact on tribal people, particularly the women and the youth and an analysis on the legal strengths and weaknesses of the PESA Act and the role of Gram Sabha in preventing land alienation and restoring alienated tribal lands to their owners.

Behuria and Panigrahi (2001) in "A Report on Functioning of the Fifth Schedule of the constitution in the state of Odisha" tried to study the changes in the extent and nature of land alienation and strategies adopted by non-tribals and different agencies to alienate tribal people from their land resources and safeguards adopted to protect the interests of the tribal people on land.

Approximately, 8550 acres of land has been sold through permission during the period 1957-1997 under Regulation 2 of 1956 in Odisha (Panigrahi, 2001). Out of this, almost half was transferred in the four districts of Malkanigiri, Rayagada, Nowarangpur and Koraput (undivided Koraput district). The protective legislation regarding the problem of land alienation has been less effective. The reasons established by Yunus (1977) in his study "Odisha Chapter in Land Alienation and Restoration in Tribal Communities in India" are (i) lacuna in the laws (ii) ignorance of the tribal people (iii) complicated legal procedure involved in land restoration.

A study on PESA provisions and MFP administration in Odisha: An Assessment of Impact by B.B. Mohanty emphasized on (i) the level of awareness of the PRI officials/primary gatherers about the MFP rule, 2002, (ii) the current status of implementation of various provisions of the rule at the grass-root level, and (iii) the extent of benefits accrued to tribal MFP gatherers on account of such legal provisions.

U.N. Majhi's study on "Tribal Land Alienation: Needs radical solution" highlights the issues of land alienation of tribal people of Odisha. The paper is not based on any field work but on the personal observation of the author on the issues and research works of social scientists of Indian Social Institute, New Delhi and Institute for Social and economic Change, Bangalore, dealing with major development projects in Odisha. A study on "Land Alienation –its dimensions: A study of Odisha" by Karunakar Patnaik and Pramila Prava Patnaik tried to identify the reasons of land alienation and the methods of such alienation adopted in the scheduled areas, the role of Gram Sabha in preventing land alienation and restoration of land

in Scheduled areas, the impact of land related laws especially alienation/transfer/ displacement and to locate the gaps in implementation of various land related Acts.

K.K. Patnaik in his article on 'Gram Sabhas in Scheduled V Areas' pointed out some gaps and suggestions in regard to functioning of GS and role of GS in Scheduled V Areas. The fact that PESA Act provided for the Gram Sabha or the Panchayats at appropriate level to be consulted or its prior recommendation obtained before performing any action on the aforesaid subjects, many states including Odisha exercised their option to entrust such powers either to the Gram Sabha or the Gram Panchayat or any other tier of Panchayati Raj Institutions. This left enough scope for the state governments to exercise their discretion. Consequently, many of the functions which should have been appropriately discharged by the Gram Sabhas were discharged by other tiers of Panchayati Raj Institutions. Ultimately, the objectives and intentions of PESA Act to strengthen the peoples' empowerment and participation in development processes more at the grassroots level were diluted. Except for the provisions under section 4 sub-sections (d), (e) & (f) Gram Sabhas were not absolutely and clearly endowed with specific powers and authority and this lacuna in law encouraged state governments to dilute the intentions of PESA legislation. Odisha did the same thing. Grassroots institutions like Gram Sabha need more focus not in terms of power or authority alone but coherent and clear legal back-up. The bonafide intentions of PESA Act could have been better appreciated by state governments in the overall development of tribals in schedule V areas. Lack of clarity in the mandated provisions in PESA Act prompted state governments to move in their own way. The central government may have a relook to the provisions now and suggest for amendments to the existing provisions of PESA based on the views of state governments and others in which the primacy of Gram Sabha is reasoned out with constitutional legitimacy.

Prof. R.M. Mallick in his article on 'In Making PESA Act 1996 People – Friendly in Odisha: An Overview' mentioned that the role of 'GS/GP' has been further undermined, when the state government witnesses a complete departure from the central Act by assigning more powers to the Zilla Parisads (ZPs) not to 'GS' on the such as (a) in requisition of land, resettling and rehabilitation affected by land acquisition; (b) in grant of licenses/mining lease for Minor Minarals; (c) in grant of concession for exploitation of Minor Minerals on auction;(d) in planning and management of Minor Water Bodies. In such a situation therefore, a lot of advocacy is now needed to reverse the existing situation in order to empower the 'GS'.

The study entitled, "Review of TSP Approach in Odisha: study of provision, implementation and outcome" undertaken by SCSTRTI tried to assess on the approach, operational strategy and outcome of the tribal Sub-Plan effort in Odisha.

Study Rationale

Studies on effective implementation of the Act and awareness generation among the tribals in the Fifth Schedule Areas of the State are scanty and limited so as to understand the fulfillment of the objectives and goals of PESA Act at the ground level. The Government of India, in the Ministry of Tribal Affaires (MOTA), New Delhi vide the Order No. 11024/10/2010-11/R&M communicated the approval of the Annual Work Plan of SCSTRTI for the year, 2010-11, which includes the above captioned evaluation studies.

With this backdrop, the SCSTRTI, Odisha, Bhubaneswar (as a Nodal TRI) has proposed to undertake the research titled, "Implementation Status and Gap between Provisions and

Practice of PESA Act in three tribal dominated States of India (Andhra Pradesh, Jharkhond and Odisha; A Comparative Diagnostic-cum-Evaluation Study". The ISS having the expertise on local governance has been assigned to take up the above mentioned study in collaboration with SCSTRTI, Odisha.

Objectives of Study

- To make an assessment of status/functioning of the PRIs after 73rd Amendment and PESA Act in scheduled area.
- To examine the degree of understanding about PESA Act among PRI members and community and their extent of empowerment and to identify the organizations (GO/NGOs/CBOs) taking initiative/efforts for empowering and strengthening PRIs in Scheduled areas.
- To evaluate peoples' participation especially women in the democracy and development process in the light of flow of funds and implementations and achievements of different development schemes.
- To identify shortcomings in implementation of the Acts related to PRIs and problems of Tribal PRIs Representatives in participating the democracy and development process,
- To review central and state legislation of PESA and make suggestions to bridge the gap between the provisions of the Central Acts and the State Panchayat Acts and legislations, devolution of powers to PRIs by different Development Departments and for taking up further measures towards achievement of the objectives of PRIs.

Sample Design

This study was empirical in nature. Data was collected from both primary and secondary sources. Primary data included (i) Household survey (ii) FGD (iii) Semi-structured/informal interviews with the key stakeholders like elected Panchayat representatives, officials, NGOs/CBOs, Village leaders and cross-sections of society (iv) case studies (success/failure) (v) Field Observations.

The study covered 4 scheduled districts. The sampling was multi-stage random sampling. Selection of three districts was done randomly through lottery method from full TSP and one from partly TSP area. The districts which were studied earlier were not taken into consideration for the purpose. The districts like Nabarangpur, Sundergarh and Kandhamal from TSP area and Keonjhar from partly TSP area were covered for the present study selected randomly through lottery method.

From each select district, two blocks were chosen on the basis of stratified random sampling. One block from a very backward and another from a backward ITDA blocks (Regional Imbalance Commission Report 2002-03) were drawn. Similarly, from each block, two GPs-preferably the head-quarter GP and another long distance from GP to the block headquarter were taken for the study. In the process, 4 districts, 8 blocks and 16 Panchayats were covered in the present study. For collection of household data, purposive random sampling (PRS) was adopted. Out of total households, sample size of 10 % households was selected who belong to BPL categories. FGDs were conducted in 10% of total villages of select GPs. The villages were selected on random basis. Household data was collected from the rest 90% villages of the respective GPs. Sample description is mentioned in Table 1.

Methodology

A. Primary Source

Household Survey

Pre-tested schedules/questionnaires were designed based on the information on socio-economic conditions of HHs and their understanding about the PESA Act. In order to assess extent of empowerment of tribal PRI representatives, peoples' participation in democracy and development process, questions pertaining to the conduct of Gram Sabha, issues discussed in the Gram Sabha, participation of people, role of Gram Sabha in preventing land alienation, restoration and acquisition of land, control and regulation of intoxicants, money-lending, minor forest produce business, lease of minor minerals, village markets and the degree of intervention of Panchayats in these issues was covered in the study. A pilot survey was conducted prior to the finalization of the schedules/questionnaire.

Focus Group Discussion (FGD)

Focus Group Discussions (FGDs) was conducted in the sample villages (10% of total villages in select GP) of the select districts. FGDs in each sample village consisting of members representing various categories in the village was conducted. A semi- structured framework was designed based on the village information including peoples' participation in democracy and development process, status of working of PESA Act and people's understanding about the Act. For conducting the FGDs the team comprising of two researchers consisting of one researcher to coordinate the discussions, second researcher to record the discussions with the help of audio-visual (handy-cam) as per the pre-determined framework, were drafted.

Informal Interviews

Semi-structured informal interviews with the elected representatives of local bodies, officials like revenue officers, executive officers, block development officers, P.A, ITDA, Special Officers (Micro Projects), NGOs/CBOs and cross-sections of society with regard to the status of implementation of PESA, its role in the implementation process and suggestive measures for effective implementation of PESA Act was taken up.

Field Observations/Case Studies

Field observations and case studies were recorded during household data collection and FGDs.

B. Secondary Source

Secondary data was collected from published/available records with Census of India, PR Department and Directorate of Economics & Statistics Government of Odisha, GPs, Blocks, Zilla Parishads, ITDAs/Special Projects/Revenue/Block authorities/offices and other published/ unpublished reports.

The following table indicated details of districts, blocks, GPs, villages and households covered under study.

Description	Select Scheduled Districts (Tribal) of Odisha															
Select Areas	Full TSP District												Partly TSP Area District			
Selected districts	Sundargarh				Kandhamal				Nabarangapur				Keonjhar			
Sample blocks	Lahunipada (V.B)		Tangarapalli (B)		Phiringia (B)		Khajuripada (V.B)		Tentulikhunti (V.B)		Umerkote (B)		Banspal (V.B)		Saharapada (B)	
Sample GPs	Lahunipada	Haladikudar	Tangarapalli	Megdega	Phiringia	Gochhapada	Khajuripada	Gudari	Tentulikhunti	Kangra	Burja	Singisari	Banspal	Kadakala	Saharpada	Damahuda
Total villages in sample GPs	11	10	4	7	20	13	21	12	10	5	4	9	6	10	10	7
No. of Sample Villages for FGDs (10%)	1	1	1	1	2	1	2	1	1	1	1	1	1	1	1	1
No. of Sample HHs for HH data collection 10%)	98	76	83	103	93	84	51	54	60	72	146	194	100	116	152	46

A total of 4 districts, 8 blocks, 16 GPs, 130 villages and 1528 households were covered in the present study.

Testing of Hypothesis

- Identification of beneficiaries, project selection, monitoring, supervision, and project formulation reflect the earnestness in strengthening the PRIs.
- The power of social Audits has enabled the Gram Sabhas to monitor mis-utilization or misappropriation of funds.
- Women participation in the Gram Sabha is insignificant in number and women related issues are hardly discussed there due to lack of awareness.
- The provisions of PESA have empowered the STs, especially their women and strengthened the PRIs in the study areas.

Statistical tools used

- Likert Scaling Technique (LST) with slight modification (for the purpose of the present study) adopted to assess the qualitative variables by putting score value.
- Regression and Correlations model are used to establish relation between the variables (significant/insignificant).

Limitations

- The study could not assess functioning of some subjects under PESA Act like land acquisition, minor minerals and minor water bodies etc as such cases were not found in select villages/GPs in the study areas.
- Findings are limited to the study area only.

Chapterisation

The study report is divided into seven chapters. First Chapter is Introduction covering Backdrop, objectives, sample design and methodology, hypothesis, review of literature etc. In the Second Chapter, status of Panchayatiraj system in India and Odisha: historical perspective and current status are analyzed. Provisions of 73rd Amendment Act and PESA Act and implementations of the Acts in the State of Odisha are focused in Third Chapter. Fourth Chapter gives a picture on Profile of study Area. Fifth chapter analyses role of GS in implementation of PESA Act. Sixth chapter examines situational analysis of working of PESA based on research findings. Impact of PESA Act and its critical gaps in the implementation process are reflected in the Seventh Chapter. Conclusion and suggestions are mentioned in the Eighth Chapter.

Chapter-II

Status of Panchayati Raj System in India and Odisha: Historical Perspective and Current Status

Introduction

Administrative institutions including local government institutions were, to a large extent, distorted by unabated invasions by foreign rulers coupled with internal repressions. The quest for a suitable form of local government in the distinct historical past proved that India did possess these institutions. Foreign conquerors, one after another, had swept over India; but these village institutions stuck to the soil like their own "Kusha Grass" (grass that germinates with little shower). Inspite of India having undergone more religious and political revolutions, the union of villages remained little affected by the rising and falling of tides. The legacy of local self-government continued even under the Muslim, Turkish and Mughal rules. Although the history of local self-government under the British rule has been described by many writers as one of peace, prosperity and contentment, these institutions also witnessed graceful phases of ruin and decay. On this historical premises, some writers rightly ascribe village Panchayats as entirely of India's own institutions.

Panchayati Raj institutions witnessed alternating and undulating degeneration and regeneration during the British rule. After the East India Company was taken over by the British Crown in 1858, administrative functions were gradually transferred to the local bodies. But the fact that local institutions in India were traditionally so autonomous and cohesive that the then Governor-General of India Charles Metcalf described these institutions as "Little Republics". With transfer of power to the British Crown, district committees were constituted headed by the district magistrate who practically dominated the committee functioning as an advisory body in discharging functions primarily relating to road construction, education, development and medical services. These institutions lacked legitimacy of becoming representative institutions. Different British rulers looked upon these institutions from their own perspectives of vision and wisdom. Lord Cornwallis tended to undermine the authority of Panchayat arbitration. Lord Rippon introduced a resolution to revive the village administration system in which some rural boards were created although 2/3rds majority of its members were nominated and the principle of election was never followed. In 1907, the British government appointed a commission to enquire into the administrative and financial relations between the government of India, provincial governments and subordinate authorities. This commission recommend for creation of Taluqa (sub-division)- level boards, reinstatement of Panchayats and allocation of district funds for repair of minor roads, primary education, rural dispensaries etc. The functions of Panchayats were, however, limited to arbitration of petty disputes of civil and criminal nature, village sanitation and supervision of village sanitation and schools etc. The Montague-Chelusford Reform 1919, brought new lights in the reconstruction of local boards, adoption of elective principles, nomination of minorities and levy of tax by the local bodies. The new reform process widened the electoral base by introducing the principle of communal representation. In consequence, the number of board members both in Madras and West Bengal increased largely and the jurisdiction of Panchayats extended over to judicial, administrative and executive functions during 1922 and 1927. But owing to a combination of political,

communal, financial and administrative reasons, the performance of local bodies declined perceptively.

The Government of India Act, 1935 provided provincial autonomy. But from 1935 till India achieved independence, Panchayat institutions remained in continuous passive stage intercepted by several adverse events such as the Second World War, the Satyagraha (1940), the partition of the country, the Quit India Movement (1942) and the Communal Rights (1946). Between these events of national movement till independence, no specific national development programme was launched nor projected for implementation through or in association with the Panchayat bodies although some specific programmes were launched in specific areas. Mahatma Gandhi's village development plan (Sarvodaya), Ravindranath Tagore's "Sriniketan" (self reliance) and rural development schemes introduced in Travancore and in Baroda states were some of the programmes that were tried in an isolated manner in pilot project mode.

With adoption of constitution of India, the traditional system of self-governance faced more fatal distortions and situations. The framers of India constitution did not see in Panchayat system a vision for the future. Inadvertently or deliberately, Panchayats did not find place in the draft constitution. Omission of Panchayats in the draft constitution was a serious mistake. Realizing this and on the amendment proposal of K. Santhanam, provision of Panchayats was incorporated, in part IV of the constitution in the 'Directive Principles of Stat Policy' under Article 40 which provided that "State shall take steps to organize village Panchayts and endow them with such power and authority as may be necessary to enable them to function as units of self-government". Although many states enacted legislation to set up Panchayats, the merits of Panchayats were not valued really in absence of specific and clear direction, structure, form, duration, powers and functions. Consequently, Panchayats were in place in varied forms in different states till 1959. After implementation of Community Development Programme (CDP), the Panchayat bodies ushered in a new phase of development following the recommendations of Balwantrai Mehta Committee. With launching of Five Year Plans (1st Five Year Plan-1951-56) rural development assumed significance through the CDP and National Extension Programmes (NEP) in different states but the Panchayat bodies had little or no role to play. The CDP and NEP were mostly bureaucratic driven programmes.

Panchayat Bodies after 1959 – National Perspective

Even after the Balwantrai Mehta Committee report on "democratic decentralization" suggesting three-tier structure of Panchayat bodies, the Panchayat bodies had no significant control over governance. Their functions were limited to only civic and a few development functions. The period 1959 to 1993 is generally called the reform phase in Panchayati Raj. By 1959, almost all states had passed Panchayat Acts and on 2nd October, 1959 Prime Minister Jawahalal Nehru inaugurated Panchayati Raj in India hailing it as "the most revolutionary and historical step in the context of new India". But writers on Panchayati Raj have classified the history of rise and fall of Panchayati Raj into three phases i.e. (i) Ascendancy (1959-64), (ii) Stagnation (1965-69) and Decline (1969-77). But subsequent events have shown that the period of decline came to an end and a new phase of reform called the "Panchayati Raj Reform Phase" commenced towards 1978. The period from 1964-1977 called the phase of stagnation witnessed several instances of supersession of Panchayat bodies across states. In several states, elections were held after 13 to 15 years. The reason of decline of PR bodies could be attributed to many factors, the basic reason being apprehension of bureaucracy and elected representatives about seizure of their power by PRI elected functionaries. The other reason was the nature of treatment meted out to the PRIs by political leaders, planners and

bureaucrats as mere agencies of development rather than as units of self-government. The PRIs were dominated by economically and socially privileged sections of society. Therefore, it could be logically and legitimately concluded that a combination of the bureaucracy, commercial interests, professional middle class, the police and the political elite almost 'ganged up' against democratic decentralization.

The Balwantrai Mehta Committee recommended for creation of democratic institutions as a condition for securing participation in the governance structure and to create a proper climate for genuine decentralization at all tiers of PRIs. Although PRIs were introduced in most of the states in India following the Mehta committee's recommendations, Panchayats were generally and mostly considered as development agencies to implement community development programmes. Democratic decentralization would have meant devolution of power in terms of resources, powers and authority to the Panchayat Institutions but sadly, this committee did not make provisions for fiscal decentralization till the K. Santhanam committee was set up in 1963 which recommended devolution of power to Panchayat institutions to levy special tax on land revenue and houses, consolidation of all grants at state level for eventual devolution to PRIs and establishment of Panchayati Raj Finance Corporation to look into the financial resources of PRIs. Failure to implement the above recommendations led to the setting up of Ashok Mehta Committee (1978) which recommended for the first time inclusion of Panchayats in the constitution as a political institution instead of hitherto treated as a development organization. In fact, on the basis of Ashok Mehta Committee's recommendations, the states of Karnataka, Andhra Pradesh, West Bengal and Jammu-Kashmir went for amendment/ revision of their existing Acts and passed new legislations. This committee recommended district to be the key administrative unit for planning and coordination, two-tier PRIs (middle and apex tiers) structure, reservation for SC/ST in elections on population basis, elections on party basis and financial devolution consistent with devolution of developmental functions at district level.

In 1986, the central government appointed L.M. Singhvi committee which recommended for the constitutional recognition of local self-government and non-inclusion of political parties in Panchayat elections. For raising revenue resources, it suggested appointment of Finance Commission to allocate adequate resources for implementing different development programmes through PRIs. Prior to this, Prof. Dantawala Committee recommended for block planning as sub-state planning and organic linkage between the tiers whereas the Hanumantha Rao committee in 1982 recommended for decentralized planning. The GVK Rao committee in 1985 pleaded for emergence of centrally sponsored schemes (CSS), state-level planning and regular elections to PRIs. In 1989, the union government also constituted the P.K. Thungan committee which recommended for regular elections to Panchayats and Z.P. to function as main agency of development. It may be interesting to note that no uniform structure of Panchayati Raj institutions existed till 1993 across states in India. Although generally a three-tier structure was existing in most of the states, Assam, Haryana, Manipur, Odisha and Sikkim had two-tier structure. Panchayats at village level were more prominent in states of Goa, Kerala, Tripura and J&K. Sikkim had no middle tier of PRIs. Different names were attributed to district level Panchayat Institutions like District Development Council, District Development Committee etc. In Meghalaya, Nagaland and Mizoram traditional councils continued to operate. Similarly, perceptible changes could be noticed in tenural system of these institutions. In Punjab and Arunachal Pradesh, the tenure of PRIs was 3 years whereas Assam, Goa, J&K, Maharashtra and West Bengal had 4 years tenure. Panchayat bodies in some states continued to discharge even judicial powers through the institutions of Nyaya Panchayat, Adalati Panchayat, Gram Kutchery, Conciliation Board. By and large,

Panchayats discharged some developmental functions as well as judicial functions in some states confined to settlement of village disputes relating to petty cases and offences.

Following the two landmark amendments (73rd and 74th) to the Indian constitution, a legislative framework was created for introducing the three-tier system of governance for rural and urban areas in the country. Creation of a three-tier system was mandatory and states started passing conformity legislations in the states. Art 243G required state legislatures to endow powers and functions to PRIs to function as institutions of self-government. These powers and functions aimed at securing economic development and social justice. Twenty-nine subjects are indicated in the XIth schedule of the constitution which are supposed to be devolved to the Panchayat bodies. The broad features of the 73rd amendment related to (i) five-year term (ii) mandatory election every five years (iii) atleast 1/3rd reservation for SC/ST and women, (iv) provision of Gram Sabha (v) constitution of State Election Commission (vi) State Finance Commission (vii) uniform 3-tier structure (viii) power of Panchayats to levy tax etc. Constitution of District Planning Committee under Art 243ZD of 74th constitutional amendment with view to consolidate and integrate the district plan, are the novel features of these reform legislations. Certain subjects involving core or civic functions of local government institutions such as drinking water, street lighting, garbage collection, road maintenance, specialized and technical subjects covering primary health, education and social protection are eligible for devolution to rural local bodies. While some state governments have transferred some subjects out of 29 subjects indicated in the XIth schedule, these subjects practically continue to be implemented as activities and sub-activities by line agencies. Most of the state Acts have specified functions to be devolved to PRIs but have not been able to transfer administrative or technical control over locally administered programmes. A few states like Gujarat, Karnataka, Kerala, Madhya Pradesh, Rajasthan and Utter Pradesh have taken steps to transfer functionaries but have faced with strong resistance from different cadre associations. Even where transfers have taken place, these have become minimal without power to fire, hire, promote and transfer of staff. Consequently, Panchayat bodies are reduced to mere salary-paying institutions resulting in government administration still centralized.

Even though the 73rd and 74th constitutional amendments have provided for constitution of State Finance Commissions (SFCs) for the rural and urban local bodies to review and make recommendations on devolution of finances, except for a few states like Kerala and Karnataka where substantial percentage of resources are devolved to Panchayat bodies, in many other states such devolution has been rather minimal. In the post-reform phase, several schemes have been launched by the central government both under central schemes and centrally sponsored schemes. In 1993, the Employment Assurance Scheme (EAS) assured employment for 100 days during lean season with the objective of creating economic infrastructure. This was a demand driven scheme. The Prime Minister's Rozgar Yojana (PMRY) 1993 intended to provide employment to educated unemployed youth (18-60 years). This was a loan-based scheme. The National Assistance Programme provided for a monthly pension of Rs.75/- for destitute of BPL category above the age of 65 years. The Swarna Jayanti Gram Sworazgar Yojana (SGSY) 1999 provided for self-employment under micro-enterprise for income generation with bank credit and state subsidy components. The two important Wage Employment Schemes namely (i) Sampoorna Gramin Rozgar Yojana (SGRY) 2001 under the CSS with funding share of 75:25 and the (ii) National Food For Work Programme (NFFW) 2004-05 with 100% central funding were also launched. These schemes were followed by the flagship scheme National Rural Employment Guarantee Scheme now renamed as Mahatma Gandhi National Rural Employment Guarantee Scheme

(MGNREGS) in 2005-2008 and the Backward Regions Grant (BRGF) 2006-07 which are now under implementation. Except for the MGNREGS, in no other scheme, the involvement of PRIs as lead or active participants has been witnessed with mandatory direction for accountability and transparency through social audit mechanism of Gram Sabha.

Planning at the grassroots level is the focal print of decentralized governance. Articles 243G and 243W respectively of 73rd and 74th constitutional amendments empower PRIs and ULBs to formulate their own plans for ensuring economic development and social justice. Article 243ZD envisages formation of District Planning Committee. The district plan comprising of the plans of the PRIs and urban local bodies of the district is to be consolidated at the DPC level. The planning commission have, in the meantime in 2006, issued detailed guidelines for preparation of integrated district plan. The Ministry of Panchayati Raj, Govt. of India had arranged for 7 Round Table Conferences which prepared as many as 150 recommendations for over all development and improvement in the working of PRIS in India. A model Panchayat Act and a road map on decentralized planning are already in place. The eleventh plan document has projected for (i) an inclusive growth (ii) convergence of CSS with existing schemes (ii) participation of Gram Sabha and SHGs in planning exercise, (iv) assessment of local resources (v) prioritization, integration and consolidation of various programmes with assessment of resources. The role of PRIs in the aforesaid programmes therefore, is vitally important. A broad review of functioning of DPCs across states indicates that in many states, the DPCs are not functional. In states like Chhatishgarh, Gujarat, MP, Odisha, Maharashtra and Himachal Pradesh ministers are appointed to head the DPCs. Only in states like Kerala, Karnataka and Rajasthan that the DPCs are reportedly effective and more functional. In many states, there is no separate district budget in the annual plan. The attempt of the Central Ministry of Panchayati Raj requiring the state governments to create institutional linkage and activity mapping of line-departments has not been fully materialized in many states.

State Perspective - Odisha State

Traditional Panchayats existed in Odisha from time immemorial. Till 1911, rural local government in Odisha was regulated by laws prevailing in West Bengal. The 1895 Act provided for constituting local bodies initially in three coastal districts of Cuttack, Puri and Balasore. Ganjam and Koraput districts were governed by the erstwhile Madras Local Board Act 1920 and the western district of Sambalpur came under the Central Provinces and Bihar systems. District Boards were formed under the 1920 legislation, the main functions of these bodies related to primary education, maintenance of roads, public health and charitable institutions. In subsequent periods, the Districts Boards were, however, abolished. The Government of India Act, 1935 provided Odisha with the status of a state. Odisha became a separate state in 1936. Gram Panchayats were established by law in 1948. It must be borne in mind that long in the past in 1889, village courts were established under village courts Act 1889 in ex-madras areas. These were abolished with the introduction of Odisha Gram Panchayat Act 1948. Under this Act, Gram Panchayats were given powers in relation to primary education, health, road, sanitation etc. which are basically of civic nature. The village choukidars were required to assist police in law and order, birth and death registration etc.

In the post-independence phase, Panchayats were created with 150 population in a single village or a group of villages with 1000 minimum population in the Gram Panchayat. At present, the minimum population required for formation of a new GP is 2000 with maximum limit of 10000. The phase-wise creation of Gram Panchayat before 1959 and after 1959 in Odisha is indicated in the table below.

Phase-wise creation of Gram Panchayats before 1959		Year-wise creation of 3-tier Panchayats in the state after 1959			
Year	Number	Year	GP	PS	ZP
1950-51	530	1961	2350	214	13
1951-52 (Phase – I)	519	1963	2350	307	13
1951-52 (Phase – II)	705	1966-67	3826	307	13
1951-52 (Phase – III)	1241	1983-84	4391	314	13
1951-52 (Phase – IV)	1348	1991-92	5263	314	30
1951-52 (Phase – V)	2261	2002-03	6234	314	30
1951-52 (Phase – VI)	341	2007-08	6234	314	30

It is, however, ascertained that the average population of a Gram Panchayat, Panchayat Samiti and Zilla Parishad is respectively 5019, 99641 and 1042914. Before Panchayat institutions were created following the recommendations of Balwantrai Mehta Committee on democratic decentralization, Odisha had experimented for a short period another structure of local administration called the 'Anchal Sasan' through the legislation of Odisha Anchal Sasan Act 1954 empowering the institution principally to collect land revenue. This institution was, however, replaced by the three-tier Panchayati Raj system following the recommendations of Balwantrai Mehta Committee.

Odisha enacted three Acts consequent upon the introduction of democratic decentralization. These legislations are (i) Odisha Panchayat Samiti and Zilla Parishad Act 1959 (ii) Odisha Zilla Parishad Act 1961 (Act 24 of 1961) and the (iii) Odisha Gram Panchayat Act 1964. While Odisha introduced the three-tier structure in 1960-61 which continued to function till 1967, Zilla Parishads were abolished in 1968. In consequence, the Panchayat Samiti remained as the main implementing agency for development. The Gram Panchayat functioned as the unit of formulation of development programmes and the Zilla Parishad as supervisory body from 1961-68. During this phase of evolution, the Panchayat Samities and Gram Panchayats however, could not emerge as institutions of self-government. In the post constitutional amendment phase (1992 and after) the Zilla Parishads were revived by a new Act called the Zilla Parihad Act 1991 and the Panchayat Samiti and Gram Panchayat Acts were amended in 1993 incorporating some new features like (i) direct election of Sarpanch, Ward Members of GP, (ii) direct election of PS and ZP members (iii) indirect election of President and Vice-President of ZP, Chairman and Vice-Chairman of PS and Naib-Sarpanch of Gram Panchayat (iv) 1/3rd reservation of seats and offices for SC/ST & women proportionally to general population (v) rotation of seats and offices for all categories (vi) reservation of OBC by state legislation (27%) (vii) special provision in the state law to provide reservation for women either in the post of Chairman or Vice-Chairman of PS and President or Vice-President of Zilla Parishad. Now reservation of seats and offices for women has been enhanced to 50% by recent amendments to Panchayat laws in the state.

The state government is competent to declare, by notification, any or group of villages to be a Gram Sasan. The Gram Sasan is a corporate body with perpetual succession and a common seal. The meeting of Gram Sasan is Gram Sabha. The Gram Panchayat is the executive authority of Gram Sasan. Prior to 1997, the Gram Sabha was almost a cosmetic body. After the amendments made in 1997 to the Odisha Gram Panchayat Act 1964 following the mandated directive of 73rd constitutional Amendment, the power of Gram Sabha was further strengthened with power to (i) approve plans & programmes for economic development and social justice (ii) identification of beneficiaries under development schemes including poverty alleviation programmes and (iii) levy taxes, rates, rents fees etc. The position of Gram Sabha was differently placed in the scheduled areas of the state in conformity with the provision of

Panchayats (Extension to Scheduled Areas) Act 1996. In Odisha, below the constitutionally recognized institution of Gram Sabha, a statutorily recognized institution called the 'Palli Sabha' exits at the ward level as the lowest grassroots level democratic institution. Palli Sabha takes all important decisions in making recommendations to Gram Panchayat in matters like selection of beneficiaries, preparation of schemes and programmes of development works, selection of village labour-leader and annual budget estimates etc. The need and justification for a Palli Sabha is to ensure larger participation of people at the village level in the decision-making process.

In Odisha, the Gram Panchayats have both obligatory and discretionary functions to discharge. Under section of 44 of Odisha Gram Panchayat Act, as many as 27 obligatory functions relating to roads, streetlight, drainage, water supply, scavenging, garbage disposal, registration of birth and death, prevention of epidemics, social conservation etc. are prescribed. Similarly, under section 45 of the Act, 25 discretionary powers are indicated in regard to plantation, village forests, slaughter houses, ferries, adult education etc. Under section 2007 Odisha Panchayat Samiti Act 1959, Panchayat Samities are mandated to discharge functions relating to planning, execution and supervision of development works, primary education, trusts, endowments, registration of birth and death, borrowing of money and granting of loan etc. Under Odisha Zilla Parishad Act 1991 (section3), Zilla Parishads are required to take up development activities, scrutiny of budget of Panchayat Samities, preparation, execution and supervision of district plan, poverty alleviation programmes and discharge functions of DRDA responsibilities and untied funds.

It may be borne in mind that prior to 73rd constitutional amendment, different states adopted different systems of Panchayat Raj Institutions and Odisha was no exception. From 1978 to 1990, it managed with a two-tier system namely (i) Gram Panchayats and (i) Panchayat Samities only till the Zilla Parishads were revived in 1991. The fact remains that not only in Odisha but elsewhere in the country, Panchayati Raj Institutions witnessed several ups and downs due to (i) lack of political will & bureaucratic support (ii) irregular election (iii) inadequate responsibilities of weaker sections (iv) prolonged superstition (v) absence of financial and functional autonomy and (vi) inadequate devolution of power and lack of resources. The Panchayat bodies have been normally discharging functions of three broad categories namely (i) general administrative functions (ii) developmental and social functions and (iii) maintenance of assets. At the Gram Panchayat level, preparation of developmental plan, annual budget, relief, encroachment removal, upkeep of village statistics, arrangement of voluntary labour and community contribution, were seen to be the functions but the common functions relate to agriculture, social forestry, draining of water, rural housing, education, social welfare, women and child development, poverty alleviation, khadi and village industries, rural sanitation, markets, fairs and creation and maintenance of community assets.

A close analysis of the functions, duties and responsibilities under the state Panchayat laws indicates that no clear-cut demarcation of functions is notified. As a result, a lot of overlapping of functions between the three-tiers of Panchayat bodied is conspicuously noticeable. The Panchayat bodies have inadequate staff structure. The Panchayat Samiti in Odisha is more powerful in terms of staff infrastructure but over-burdened in terms of workload. The Gram Panchayat is more powerful in terms of statutory-backing but jurisdictionally deficient. Most of the functions don't match with funds. The Zilla Parishads are mostly dependent on state decisions. There is inadequate devolution of functions in terms of three F's i.e. functions, functionaries and finances. Devolution so far made to Panchayat

bodies seems to be inadequate and limited. In the circular of chief secretary to government of Odisha on the 4th July, 2003, 21 subjects of eleven departments namely (i) agriculture (ii) co-operation (iii) SC/ST (iv) food and civil supplies (v) scheduled caste and scheduled tribe development (vi) health and family (PDS) welfare (vii) women and child development (viii) forest and animal husbandry development (ix) rural development (x) Panchayati Raj Department (xi) water resources Department were partially transferred to Panchayati Raj bodies in terms of a few functionaries and functions only. No distinct fiscal devolution was, however, made.

Local Finance

The main sources of local finance are generally identified as (i) Taxes (ii) Non-Taxes (iii) Penalties (iv) Grants-in-Aid (v) Own Income (vi) Donations (vii) Loans (viii) Contributions. Besides these, revenue of local bodies are generated on the recommendations of National and State Finance Commissions. Article 243G of the constitution provides for devolution of functions. Article 234H authorizes Panchayat to levy collect and appropriate taxes, duties, tolls, fees, assign taxes, duties tolls, fees and grants-in-aid. Article 243 (I) provides for constitution of state finance commissions and national finance commission under Article 280 of the constitution. Before the 73rd constitutional amendment, several commissions were constituted to recommend on resource raising. In 1951, the committee (P.K Warrel) recommended 15 % tax on immovable property. The John Mathai committee (1954) recommended for grants-in-aid from state government to Panchayats and Panchayats to have power to levy land tax, property tax, house tax, service tax etc. The Santhanam committee (1963) recommended for increasing of revenue, identification of own resources of revenue, establishment of financial corporation, grants-in-aid to PRIs. The first Administrative Reform Commission (1967) suggested to empower Panchayat bodies for imposition of tax and transfer of share of the shared revenue. The Ashok Meheta committee (1978) recommended for imposition of taxes on land revenue and cess, surcharge on stamp duty, entertainment tax etc. The G.V.K Rao committee (1986) suggested for setting up of State Financial Commission. With the enactment of 73rd and 74th constitutional amendment Acts, the state government have gone for constitution of State Finance Commission to recommend devolution of funds to local bodies from different sources.

In Odisha, Gram Panchayats have different sources of revenue with powers to impose taxes which include (i) vehicle tax, (ii) latrine and conservancy tax (iii) water rate (iv) lighting rate (v) drainage tax (vi) fees on markets, slaughter houses, animals, building structures(vii) license fees (viii) other fees-toll, tax, rate etc subject to approval of state government, (ix) license fees for trade, industries, factories (sec. 55 of Odisha Gram Panchayat Act) and (x) entertainment tax (Sec-56). Even though Gram Panchayats in Odisha are statutorily empowered to impose tax in one major area namely house tax, this provision has been kept under suspended animation since long. Even though State Finance Commissions have recommended for re-imposition of the statutory provision, till now, the state government have not brought any legislation in this regard. The Panchayat Samiti has no power of taxation. Its main sources of revenue include (i) transfer of fund by government and heads of departments (ii) funds under community development programmes (CDP) (iii) grant-in-aid from both central and state governments (iv) donations (v) share of land revenue (vi) proceeds from taxes, surcharges, and fees (vii) contribution by Gram Panchayat (viii) endowments\trusts and (ix) grants from other sources, if any. Like the Panchayat Samiti, the Zilla Parishad has also no power to levy tax and the sources of revenue are almost like the Panchayat Samiti.

A review of the tax and non tax source of revenue of the period between 1990-91-2002-03 indicated that over a period of 4 years from 1990-91 to 2002-03, the total tax revenue of all Gram Panchayats in Odisha was Rs.58.30 Rs.55.38, Rs.714.17 and Rs.20.96 lakhs respectively in respect of registration fee, license fee, latrine tax, street light and drainage tax. The average tax revenue per Gram Panchayat during the four years was only Rs. 935.33, Rs 891.67, Rs.1189.91 and Rs.336.25 only. The average non tax revenue during the same period was Rs.11.067 crore, Rs.8.66 crore, Rs.9.64 crore and Rs. 5.29 crore for all Gram Panchayats in the state. The average non tax revenue per Gram Panchayat worked out to Rs.1872, Rs.13897, Rs.15474 and Rs.8497 respectively. This indicates that the Panchayats have very poor resource base on tax and non-tax sources.

On the basis of the analysis of state finance commissions it is noticed that tax sources of Panchayat bodies are gradually dwindling and resource raising capacity diminishing. Incidentally, the Panchayat bodies in Odisha have no independent power or autonomy to borrow money without the prior sanction of government. The grants are released for specific purposes for both under non-plan and plan account. The non plan grant covers salary, DA, sitting fees etc. and the plan grant generally covers construction of Gram Panchayat buildings, library etc. Although some public properties like village roads, irrigation sources, markets and fairs are to vest in the Gram Panchayats and brought under their control and management as per provision in section 71 of Odisha Gram Panchayat Act 1964, all such properties have not been transferred or vested in Gram Panchayats. On the whole, both tax and non tax revenue sources available with the Gram Panchayats are neither broad-based nor elastic. The tax structure of Gram Panchayats reveal that all taxation powers given to Gram Panchayats in Odisha are actually not used. The enforcement provisions are hardly used for collection of tax. There is no bill collector to collect tax at Gram Panchayat level as it exists in states like West Bengal and Andhra Pradesh. Besides the above, some of the rates fixed an various sources of income are as old as 1975 and these have not been revised thereafter.

The National and State Finance Commissions continue to allocate funds to local bodies. Odisha has already set up State Finance Commissions coinciding almost with the last three National Finance Commissions namely the eleventh, twelfth and thirteenth finance commissions. The union-state level relationship extends to general development schemes relating to anti poverty programmes, central and state plan schemes, centrally sponsored schemes, state sponsored schemes and line department and pilot schemes. The purpose of development being economic and social, most of the schemes of rural development are funded by the central government. In these schemes, the sharing pattern is usually 75:25, 50:50 and other specificities. Besides the centrally sponsored and central plan schemes, different state governments sponsor and adopt their own schemes. In Odisha, the state government have sponsored and are implementing some of the schemes like (i) Biju Gram Jyoti Yojana (BGJY) (ii) Gopabandhu Gramina Yojana (GGY) (iii) Biju KBK plan (iv) Madhubabu Pension Yojana (MBPY) (v) Targeted Rural Initiative for Poverty Termination and Infrastructure (TRIPTI) (vi) Biju Kandhamal Yojana, (vii) Biju Gajapati Yojana and of late the (viii) the Biju Setu Yojana. But in all these state sponsored schemes, participation or involvement of PRIs is inconspicuous if not non-existent. These schemes are primarily executed by the line departments/collectors mostly.

Effective Panchayat administration depends on adequate devolution in terms of functions, functionaries and finances to the Panchayat bodies. Panchayat representatives at present, have practically no independent power and control over government functionaries who are mostly under the administrative control of government or line departments. Local government

institutions can engage contracting agencies/private service providers in respect of certain works through the process laid down in the respective Panchayat laws of the state excluding the poverty alleviation programmes. But there has been no development in this regard. As a measure of reform to strengthen Panchayati Raj Institutions, e-governance has been recently introduced after the NREGS (now MGNRES) came into force. E-governance seeks to realize the processes and structure by having the potentialities of information and communication technology at various levels of governance. The national e-governance plan of 2003 aims to ensure access, transparency, reliability, and affordability into the governance system. Some states like Andra Pradesh (e-seva), 'bhumi' (computerization of land records) in Karnataka and 'sairat' in Maharashtra have achieved distinction already. Odisha has adopted 'bhuleka' (computerization of land records) and 'sishu' (primary education) already. Almost all block headquarters are now connected to state network.

Issues and Challenges in Panchayati Raj

- The spirit of 73rd constitutional amendment envisaging Panchayat bodies as self governing institutions seems to be a mirage till now in absence of complete and adequate devolution of power. Wherever partial devolution has been effected, autonomy is rather limited or denied.
- The Panchayat bodies have been mostly treated as mere agencies of central and state governments for implementing various rural development and social welfare programmes. They don't really have the power of 'Raj' or governance.
- The drive of central government in organizing seven round-table conferences for building consciousness among states for more functional devolution and entering upon signing of MOUs with several chief ministers for preparing "Activity Mapping" and launching of Rastriya Gram SwarajYojana (RGSY) on capacity building has not yielded desired results. In Odisha, 'Activity Mapping' is respect of all development is not complete.
- The objectives of maximum decentralization\devolution of power to enable Panchayat bodies as institution of self-government calls for strong political will, pressure of civil society and media besides strong leadership of Panchayat representatives accepting the challenges of fulfilling the objectives.
- So far only 8 states and one union territory seem to have transferred some out of all 29 functions enumerated in the XIth schedule of the constitution without devolving matching funds.
- PRIs have no control over funds and functionaries except, to some extent, in states like Kerala, Karnataka. Most of the functions are almost shared between line-departments and PRIs. In absence of clear demarcation of functions between various tiers, overlapping in functional domain is a challenging task. Because of overlapping, role clarity of DRDA and DPC appears meaningless.
- In Odisha, no distinct fiscal devolution to PRIs has been effected inspite of repeated recommendations of State Finance Commissions. Transfer of functions and schemes through legislative enactment as suggested by the Eleventh Finance Commission has not materialized yet.
- Odisha Panchayat legislations contain elaborate provisions for government control over Panchayat bodies. These extend from power of inspection to dissolution. The collector or any authorized person authorized by the government has the power of inspection, supervision and control over Panchayat bodies. The power of suspension, dissolution and supersession of Panchayats resting with the government, the Panchayat bodies are made subservient to government control. Since the constitution does not provide for supersession of a Panchayat, such a provision in the state law

seems to be extra-constitutional. Therefore, such provision needs to be done away with to save the Acts from constitutional vulnerability.

- In Odisha, devolution of power to Panchayat bodies is incomplete as mentioned above. Because of several restrictions and legal impediments, they lose the character of self-governance and continue to function as agencies of development works and programmes. Their legitimate functions are further restricted due to constitution and composition of parallel structures/institutions of execution like "Development Authorities" "Special Planning Authorities", government "Boards" and "Trusts".
- Because of limited resource mobilization and inadequate fiscal devolution, Panchayat bodies lack enthusiasm and spirit in discharging their legitimate discretionary functions.
- In spite of various gaps and shortfalls, Odisha Panchayati Raj mechanism provides some of the innovative practices. The structure of Palli Sabha at the ward level and rotation of offices of Sarpanches, Chairpersons of Panchayat Samities and Presidents of Zilla Parishads and in seats at each level of Panchayat bodies, are such of the innovative structural mechanisms that the state has adopted.

Chapter-III

Provisions of 73rd Amendment Act and PESA Act and Implementations of the Acts in the State of Odisha

Constitutional Opportunities

The constitution of India makes special provision for the administration of certain areas which are called the "Scheduled Areas" in the states other than Assam, Meghalaya, Tripura and Mizoram even though such areas are situated within a state or Union Territory under Art 244(1). Generally speaking these scheduled Areas under the Fifth Schedule correspond to the "Excluded Areas and Partially Excluded Areas" as referred to in the Government of India Act, 1935 and the Government of India (Excluded and Partially Excluded Areas) order, 1936 excluding the areas of Assam which are included in the Sixth Schedule of the Constitution. The reason why special provisions have been made for these Areas and tribes are that they are culturally backward and their social and other customs are different from the rest of India. Subject to legislation by Parliament, the power to declare any area as a "Scheduled Area" is given to the President. Accordingly, the President of India has declared the Scheduled Areas vide Scheduled Areas order, 1950.

The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas as well as Scheduled Tribes in states other than the states of Assam, Meghalaya, Tripura and Mizoram. The union government exercises the executive power in giving directions to the respective states regarding the administration of Scheduled V Areas. The Tribal Advisory Councils are constituted to give advice on such matters as welfare and advancement of the Scheduled Tribes in the states as may be referred to them by the Governor of the state concerned. The Governors of states in which there are Scheduled Areas have to submit reports to the President of India regarding the administration of such areas annually or whenever so required by the President. Besides this mandatory function, the Governor is authorized to direct that any particular Act of Parliament or of the Legislature of the state shall not apply to a Scheduled Area or shall apply only subject to exceptions or modifications. The Governor is also authorized to make regulations to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes, regulate the allotment of land and regulate the business of money-lending. Thus, in short, under the Schedule V, the Governor is the sole legislature for the Scheduled Areas and Scheduled Tribes as he makes regulations after consulting the Tribes Advisory Council and submit them to the President for the later's consent. Therefore, Acts of Parliament or of the appropriate legislature apply to the Scheduled Areas of their own force but the Governor has the power to exclude their operation by a notification. The power of making such a notification is a legislative power and in making such a notification the Governor is competent to change the whole aspect of an Act or section or part thereof thereby conferring on him wide powers of independent legislation. In fact, he is given plenary power of legislation concerning the Scheduled Areas by framing regulations for the peace and good government of such areas. Here the ambit of the power of Governor is not restricted to any particular Entry or Entries of the Legislative Lists in the VIIth schedule. In fact, his power to make Regulations extends to all the three Lists of the VIIth schedule of the constitution.

One of the predominant objectives of Vth schedule is to impose total prohibition of transfer of immovable property of tribal to any person other than a tribal for ensuring peace and good management of a tribal area and to protect possession, right, title and interest of the members of the Scheduled Tribe held in the land at anytime by the tribals. A reading of this provision implies that it combines both legislative as well as executive powers. The power of the Governor to apply laws under this clause is a plenary legislative power but the Regulations made in exercise of this power cannot be said to be instance of delegated or conditional legislation. But the only limitation to the exercise of this plenary power is that these must be made on previous consultation with the Tribes Advisory Council (where there is such a council) and submitted to and assented by the President. If this condition is complied with, it can override a judicial decision.

Indian constitution mandates the state to safeguard and promote the interests of Scheduled Tribes. Under Article 46 of the Directive Principles of State Policy, the states shall take steps for promotion of education and economic interests of SC & ST and other weaker sections. A minister shall remain in-charge of tribal affairs in the states of Bihar, Odisha and Madhya Pradesh. Besides the special powers given to the Governor of a state having Scheduled Areas as explained in the aforesaid paragraphs, there shall be a Tribal Advisory Committee (TAC) in those states with maximum of twenty members of whom 3/4th shall be tribal members of the concerned State Legislature. The constitution also provides for transfer of funds to states out of the Consolidated Fund of India for development work leading to welfare of Scheduled Tribes under Article 275 of the constitution. The overall control of Union Government over administration of Scheduled Areas and welfare of Scheduled Tribes, however, is spelt-out in Article 239 of the constitution. The President of India may, by order, declare any area/areas to be Scheduled Areas and can reschedule such areas or increase or decrease or cease such areas by order made in this behalf. While Scheduled Areas are declared on certain criteria like (i) preponderance of tribal population (ii) compactness and size of the area (iii) under-developed nature and (iv) market disparity in economic standards of people even though no specific criteria is spelt-out in the constitution, these criteria have been adopted on established principles following the provisions in 1935 Act and the report of the Scheduled Areas and Scheduled Tribes Commission (Dhebar Commission) 1961. The Scheduled Areas notified in 1950 were, however, made co-terminus in area with Tribal Sub-Plan Areas in 1967. The administration of the Scheduled Areas continue to be the special responsibility of the Governor of the state through ministerial accountability.

Constitutional Mandate

With the passing of the 73rd Constitutional Amendment in 1993, the Panchayati Raj Institutions secured constitutional status but this amendment did not apply to Scheduled Areas under Article 244 of the constitution. Therefore, a special legislation in extension of the 73rd Constitutional Amendment was brought into force with effect from 24th December, 1996 namely "the Provision of Panchayats (Extension to Scheduled Areas) Act, 1996" (PESA Act) following the recommendations of a committee headed by Dilip Singh Bhuria popularly known as the Bhuria Committee Report 1995. Although the Bhuria committee made several recommendations covering varied issues, the 1996 Act did not cover all recommendations of the committee and with some changes and modifications, the aforesaid Act was enacted with the major features such as (i) Any legislation to be in consonance with the customary law, social and religious practices and traditional management practices of community resources (ii) Gram Sabha and the Panchayat at appropriate level shall be consulted in matters relating to land acquisition, re-settlement and rehabilitation of affected persons and to have power to enforce prohibition, regulation and restriction in sale and

consumption of any intoxicant, ownership of Minor Forest Produce, prevention of alienation of land and restoration of such unlawfully alienated land of scheduled tribes, control over money-lending, management of village markets, minor water bodies etc. In addition, prior recommendation of Gram Sabha or Panchayat at appropriate level shall be mandatory for grant of prospecting license or mining lease for minor minerals and grant of concession for exploitation of minor minerals by auction in Schedule Areas. The PESA Act also endows them with the power to exercise control over institutions and functionaries in all social sectors and to have control over local plans including tribal sub-plans. The Gram Sabha is supposed to play the central role which is competent to safeguard and preserve the traditions and customs, cultural identity, community resources and customary mode of dispute resolution. With its application in 9 states of India, PESA is expected to promote people-centric governance as the Gram Sabha has mandatory functions and responsibilities to identify beneficiaries for schemes including poverty alleviation schemes and issue of utilization certificates. Under PESA Act, the Gram Sabha/ the Panchayats at appropriate level have power of (i) right to mandatory consultation in land acquisition, resettlement and rehabilitation (ii) granting of prospecting licence/mining leases of minor minerals (iii) control over institutions and functionaries in social sectors and (iv) prepare local plans and resources. It is thus clear from the provisions in the PESA Act 1996 that the two important issues namely (i) regulation to prohibit or restrict transfer of land by or among members of Scheduled Tribes and (ii) control over money-lending over which the Governor of a state having Schedule Areas distinctly come under the constitutional responsibilities of the Governor under the V^{th} schedule of the constitution. Besides the specific issues mentioned in the V^{th} schedule and those indicated in the PESA Act of 1996, PESA areas by and large have high degree of poverty, lack of infrastructure, illiteracy, exploitation and marginalization.

Status of PESA Act in different States

Implementation of PESA Act over the last sixteen years has reflected on several issues which need to be addressed by the central and state governments. Although the Panchayats in the Scheduled Areas would have all the basic features of Part IX of the constitution, under the PESA Act 1996, the mandatory provisions need to be more specific and explicit which seem to have been lost sight of or diluted while legislating conformity legislations at the state level. By virtue of provisions under 73^{rd} constitutional amendment, powers and functions of Gram Sabha are left to the wisdom of state legislatures. This has necessited different states adopting different legislations to implement PESA Act. Although Gram Sabha is mandated to deal with plans, programmes and projects for socio-economic development and selection of beneficiaries with the intended purpose of countering against possible misuse of power by politicians at higher level and the bureaucracy, different states have entrusted these responsibilities to different Panchayat institutions in diluted forms. PESA Act 1996 provides that every village will have a Gram Sabha which will be competent to safeguard and preserve the traditions and customs of the people and their cultural identity, but some states like Andhra Pradesh and Odisha have attached partial restrictions in the state conformity legislations. Andhra Pradesh puts a condition that functions of Gram Sabha on this score will be subject to "without detriment to any law for the time being in force". The Odisha conformity legislation provides that the actions of Gram Sabha "should be consistent with the relevant laws in force and in harmony with the tenets of the constitution and human rights". Although PESA Act mandates reservation of seats and offices in Panchayats in Schedule V areas, a state like Maharashtra does not mention about this in the conformity law. In the matter of land acquisition and resettlement of displaced persons, the Gram Sabhas in Andhra Pradesh, Gujarat and Odisha have practically no legal role. Odisha has assigned this role to the Zilla Parishad. Grant of Prospecting license or mining lease for minor minerals does not

require prior recommendation of the Gram Sabha as per provision in some of the state laws. While Andhra Pradesh has given primacy to Gram Panchayat, Gujarat laws do not mention about Gram Sabha. Maharashtra assigns this power to Gram Panchayat and Gram Sabha has no role in the matter. Himachal Pradesh retains the primacy of Gram Sabha but the term 'mandatory' has been replaced by "Shall be taken into consideration". In Odisha the power of prior recommendation of Gram Sabha is entrusted to the Zilla Parishad. In relation to management of village markets, Gujarat and Maharashtra Amendment Acts are almost silent on the matter. There are a few instances of dilution in law-making process in implementation of PESA Act under which much of the power should have been given to Gram Sabhas.

While devolution of powers and authority to Panchayat Institutions is required to be clear and unambiguous, unfortunately this does not find place in the statutory provisions in most of the state legislations. Therefore, Panchayat Institutions in Scheduled Areas find themselves on the same footing as those of the Panchayats in the normal areas. Although Panchayats are not expected to be mere executing agencies but institutions with sufficient freedom and autonomy more so in the Scheduled Areas in-order to take their own decisions and manage own affairs to establish their individual identity as institutions of self government, the conformity state legislations seem to be still stereo-typed. The Governors of many states have not exercised sufficient and adequate discretion in applying provisions and objectives of PESA Act to Scheduled Areas on a special footing, so much so that in many states including Odisha, specific rules have not been framed for programatic and holistic application of PESA Act.

In absence of detailed rules, the PESA Act with its several deformities has not been properly implemented in many states. Many state governments seem to have worked mechanically in the application of provisions of PESA Act. Experience has shown that there is enough scope for placing the PRIs in a confused state of working between the decision (advisory) of TAC and normal instructions and guidelines issued by appropriate authorities relating to administration of Scheduled Areas. As per provisions in PESA Act, the state laws are required to be in consonance with the customs, traditions and religious practices etc of tribals which vary between groups of tribals. In a village there could be several communities and in that event it is difficult to demarcate a village as ordinarily consisting of a habitation or a group of habitations, a hamlet or a group of hamlets comprising a community as defined under section 4 (6) of PESA Act. Andhra Pradesh is one of the leading states which prepared a set of rules for the Schedule Areas in 2007. Under these rules, the pre-eminence of Gram Sabha is reinforced in matters relating to safeguarding and preserving the traditions and customs, community resources and dispute resolution, approval of plans and programmes, issue of utilization certificate of funds utilized by Panchayat. While many states having Scheduled V areas have gone in arrears in bringing out a set of rules which are PESA Act compliant, Andhra Pradesh seems to be the forerunner in this direction. But all said and done, the role of Gram Sabha in Schedule V areas is rather minimal.

Out of 94 PESA districts in the country, 32 districts are extremist affected which require special treatment in terms of planning, governance and implementation of various schemes. As Rules and Regulations have not been specially formulated in these districts, many Central Acts relating to land, forest, mines and minerals are still not PESA compliant. Therefore, harmonization of various legislations and government policies like Land Acquisition Act 1894 & 1984, Mines Minerals Development and Regulation Act 1957, Indian Forest Act 1927, Forest Conservation Act 1980, Indian Registration Act, National Water Policy 2002, National Minerals Policy 2003, National Forest Policy 1988, Wild Life Conservation

Strategy 2002, National Environment Policy 2004 are some of the legislations/policies which should be carefully applied to Scheduled V Areas and the Governors of PESA states are expected to have a challenging and proactive role in scrutinizing and analyzing these legislations and policies before their application to Scheduled Areas. In the recent spur of mining activities in some states where mining leases have been permitted in favour of corporate and industrial houses for exploitation in Scheduled Areas, the Governors of concerned states except Karnataka seem to have not indulged much in the applications of the mining laws. In the backdrop of several mineral based large scale industries coming up in different states, the Governors of PESA states cannot and should not be expected to be mere spectators between the state-governments, the industrial houses and the poor tribals as the consequences of indiscriminate mining is a constant and serious threat to the tribals in the Scheduled V Areas.

Odisha Perspective

Odisha state has about 22.13% of tribal population against the total population of 36804660 (census 2001). About 88% of Scheduled Tribe population lives in rural areas. 62 communities are listed as Scheduled Tribes in Odisha of which 13 tribes have been identified as Primitive Tribal Groups (PTGs). About 40% of the tribal people live outside the Scheduled Area. Schedule Areas in Odisha constitute 69614 sq.kms out of the total geographical area of 155707 sq.kms. constituting almost 45% of the total area of the state. Therefore, next to undivided Madhya Pradesh, Odisha is the second tribal populous state in the country which deserves special attention for its tribal people.

With the passing of Panchayats (Extension to Scheduled Areas) (PESA) Act 1996, the State Government of Odisha amended the Odisha Gram Panchayat Act, 1964, Odisha Panchayat Samiti Act 1959 and Odisha Zilla Parishad Act 1991 within mandatory period of one year to bring in conformity legislations in the state Panchayat laws. In the amended legislation the following subjects and responsibilities mandated for Panchayats in Scheduled Areas were entrusted to the three-tier Panchayat Institutions in the following manner-

Gram Panchayats

- Enforcement of Prohibition of regulation or restriction of sale and consumption of any intoxicant.
- Ownership of minor forest produce
- Prevention of alienation of land and restoration of any unlawfully alienated land and Scheduled Tribes
- Control over money-lending
- Management of village markets

At the intermediate level, the power of control and supervision over institutions and functionaries of various social sector programmes and preparation of local plan including tribal sub-plan are entrusted to the Panchayat Samiti. Matters relating to grant of prospecting license or mining lease of minor minerals or concession for exploitation of minor minerals by auction, and acquisition of land for development projects or resettlement or rehabilitation of persons affected by such projects are kept at the level of Zilla Parishads. In these matters, prior recommendation and consultation respectively of Zilla Parishad is mandated under the law.

Conformity Legislations

- The following steps have been taken by the state government towards confirmatory action in relation to the Panchayats Extension to Scheduled Areas (PESA) Act, 1996 (Central) read with the amendments to Odisha Panchayats laws.
- The Bihar-Odisha Excise Act 1915 has been amended in 1999. (Act 2 of 1999). As per the amended provision, no license could be granted in the scheduled areas for manufacture, possession or sale, or any exclusive privilege for manufacture or sale, of any intoxicant, except with the prior approval of the concerned Grama Panchayat accorded with the concurrence of the Gram Sasan. The authority granting license for the above purpose, shall refer every proposal to the concerned Grama Panchayat for its decision within a period of 30 days from the date of receipt of such reference. If the Grama Panchayat fails to communicate its decision within the period of 30 days, it shall be deemed that the concerned Grama Panchayat has accorded the required approval.

The Odisha (Scheduled Areas) Money Lenders Regulation

The Odisha (Scheduled Areas) Money Lenders' Regulation 1967 has been amended by the Odisha (Scheduled Areas) Money-Lenders (Amendment) Regulation, 2000 (Regulation 1 of 2001). As per amended regulation, no money-lender shall advance loan to any person belonging to a scheduled tribe, except on the prior recommendation therefor of the concerned Grama Panchayat accorded with the concurrence of the Grama Sasan. A money-lender, before advancing a loan to any person belonging to a scheduled tribe, shall send the proposal therefor to the concerned Grama Panchayat for its recommendation which shall be communicated by it within a period of 45 days from the date of receipt of such proposal. If the Grama Panchayat fails to communicate its recommendations or refusal within the aforesaid period, it shall be deemed that the Grama Panchayat has accorded recommendation. If it refuses to accord required recommendation, it shall communicate the reasons therefor in writing, to the money-lender (Section 7-A). Another important feature of this amended regulation is that if any debtor belonging to any scheduled tribe is not satisfied about the correctness of the entries made in the statement of accounts delivered to him or the passbook supplied to him by the money-lender containing up to-date account of the transaction with him, he may bring to the notice of the concerned Grama Panchayat in writing the correctness of such entries. The Grama Panchayat may make an inquiry into the correctness of such entries and if satisfied that the money-lender has charged or recovered from the debt or any excess amount of principal or interest thereon or both, it may direct the licensing authority for appropriate action under law (Section-9).

Minor Forest Produce

The state government in Panchayati Raj Department have brought out a set of rules. These rules are called the "Odisha Grama Panchayats Minor Forest Produce Administration" Rules, 2002. Under these rules, the Gram Panchayats shall have the power to regulate procurement and trading of minor forest produce whether produced in government lands and forest areas with the limits of Grama or collected from Reserve Forests and brought into the Grama. Any person intending to procure minor forest produce from the primary gatherers or to trade in minor forest produce within the limits of Grama during any trading year, shall register himself as a trader in minor forest produce with the Grama Panchayat on payment of an amount fixed by the government. Detailed procedure is laid down in the said rules.

Prevention of alienation of land and restoration of un-lawful alienated land of a scheduled tribe-

- The Odisha Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation 1956 has been amended to read as "The Odisha Scheduled Areas Transfer of Immovable Property" (By Scheduled Tribes) Amendment Regulation, 2000 named as Odisha Regulation 1 of 2002 effective from 4th September, 2002. This amended regulation has brought in the following changes. (i) Any transfer of immovable property by a member of Scheduled Tribe shall be absolutely null and void and have no force or effect. (ii) However, property of a Scheduled Tribe can be mortgaged in favour of any financial institution for securing loan for any agriculture purpose. (iii) A member of a Scheduled Tribe shall not transfer any land if the total extent of land after transfer, will be reduced to less than two acres of irrigated land or 5 acres of un-irrigated land. (iv) Where it is decided by competent authority to settle property with any person other than a person belonging to a Scheduled Tribe, he shall obtain prior approval of the concerned Grama Panchayat. (v) Transfer of agriculture land of Scheduled Tribe by fraud shall now be restored back by competent authority.

The table below will indicate the position of confirmatory action taken by the state government in relation to the central Act, 1996.

Sl. No.		Central Act Provision	State Confirmatory Action
1.	Definition of village	A village to consist of a habitation or a group of habitations or a hamlet comprising a community and managing its affairs in accordance with traditions and customs.	Incorporated in State Law.
2.	Status and function of Grama Sabha	Every village will have a Grama Sabha, which will be competent to safeguard and preserve the traditions and customs of the people, their cultural identity.	Incorporated in state law with additional provision that it should be consistent with the related laws in force and in harmony with the tenets of the constitution and human rights.
3.	Constitution of Panchayats	Panchayats will be constituted at the village level with reservation for ST in the manner prescribed in part – IX of the constitution	Extended to reservation in seats and offices at all three-tiers of PRIs.
4.	Acquisition of land for development projects and of displaced persons	Prior consultation with Gram Sabha or Panchayats at appropriate level shall be mandatory	Assigned the power to Zilla Parishad.
5.	Planning and management of minor water bodies	Entrusted to Panchayats at appropriate level.	Assigned to Zilla Parishad.
6.	Grant of prospecting license or mining license or mining minerals.	Prior recommendation of Grama Sabha or Panchayats at appropriate level shall be mandatory	-Do-
7.	Grant of concession for exploitation of minor mineral by auction	-Do-	-Do-
8.	Enforcement of prohibition/regulate or restrict sale and consumption of any intoxicant.	Panchayats at the appropriate level-Grama Sabha to be endowed with the power	Gram Panchayat or Grama Sabha to exercise the power.
9.	Ownership of minor forest produce (MFP)	-Do-	Followed Central Act

10.	Prevention and restoration of alienated land of tribals.	-Do-	Gram Panchayat
11.	Management of village market	-Do-	-Do-
12.	Money-lending to Scheduled Tribes	-Do-	Followed Central Act
13.	Control over Institutions and functionaries in all social sectors.	-Do-	Panchayat Samiti to exercise power in consultation with Grama Sasan
14.	Control over local plans and resources including tribal sub-plan	-Do-	Assigned to Panchayat Samiti

The fact that PESA Act provided for the Gram Sabha or the Panchayats at appropriate level to be consulted or its prior recommendation obtained before performing any action on the aforesaid subjects, many states including Odisha exercised their option to entrust such powers either to the Gram Sabha or the Gram Panchayat or any other tier of Panchayati Raj Institutions. This left enough scope for the state governments to exercise their discretion. Consequently, many of the functions which should have been appropriately discharged by the Gram Sabhas were discharged by other tiers of Panchayati Raj Institutions. Ultimately, the objectives and intentions of PESA Act to strengthen the peoples' empowerment and participation in development processes more at the grassroots level were diluted. Except for the provisions under section 4 sub-sections (d), (e) and (f) Gram Sabhas were not absolutely and clearly endowed with specific powers and authority and this lacuna in law encouraged state governments to dilute the intentions of PESA legislation. Odisha did the same thing.

The provision of PESA Act that every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution were simply inserted in the state Panchayat laws without classifying and defining the above terms used. As a result, no Gram Sabha has ever attempted to contest and claim these rights as its own when any of such rights was violated or attempted to be violated by the authorities through various processes. The state government of Odisha, like many other state governments, could not bring-out a detailed legislation either in shape of rules or regulations to implement various provisions of PESA Act. In consequence, the Gram Sabha as the foundation of grassroots democracy and more so in the scheduled areas, lost its importance and their recommendation or consent to certain important matters like lease of mining minerals and acquisition of land leading to displacement of poor tribals in scheduled areas were assumed as a mere formality rather than formalizing the system with legal backup. These incongruities have led to avoidable law and order situations in controversial projects like POSCO and Vedanta in Odisha besides Singur and Nandigram in West Bengal.

The findings of a research study in Odisha by an NGO (ISED, Bhubaneswar, 2003) revealed that percentage of attendance of Gram Sabha members in Scheduled Areas, was about 51% and only 40% female members did attend Gram Sabha meetings and about 52% had no idea about powers of GS/GP on MFP. More than 80% had no knowledge about the role of GS/GP in matters relating to forest land, tribal traditions and cultural practices. Most of the PRI members and functionaries had little or no idea about provisions of PESA and role of Gram Sabha thereon. In Bonai Block area of Sundargarh district only 2% women found to be attending Gram Sabha and absence of women in Gram Sabha facilitated the men folk to usurp the position of women. In Odisha, there is a ward-level grassroot institution below the

Gram Sabha called the "Palli Sabha" of which the ward member is the chairman. Under the Odisha Gram Panchayat Act 1964, this institution of Palli Sabha takes all important decisions in sending recommendations to Gram Panchayats in matters relating to selection of beneficiaries, preparation of schemes and programmes of development works, selection of village labour leader and annual budget estimate. But the above report indicates that Palli Sabha and Gram Sabha meetings were not being held regularly for which implementation and execution of development programmes got delayed. Because of lesser participation of women in these meetings, hardly any women related issues were discussed. This very often leads to discontentment among intended beneficiaries for distribution of houses under IAY, old age pension, widow pension etc. It has been held by some that PESA Act has miserably failed to materialize people-centric governance and accountability structures at the grassroots level thereby jeopardizing the very rationale of 73rd constitutional amendment and the Panchayat Raj Institutional mechanism. The importance of participation of people in the activities and programmes of PRIs through Gram Sabha meetings has not been realized in practice for want of awareness. Despite constitutional and legislative backup, traditional and influential stakeholders and particularly women stay away from Gram Sabha meetings. Mandatory provisions in the central Act ensuring role of tribal communities over natural resources have not been fully complied with. In many cases Gram Sabha operates at Gram Panchayat headquarters instead of village/community level. In the constitutional legal setup, Sarpanches are required to preside over Gram Sabha meetings but the traditional chiefs and leaders particularly of villages in scheduled areas are not given importance in sharing their experience and influence in the community. As most of the women groups remain absent, women issues are hardly discussed in Gram Sabha meetings. The position of Odisha is better due to existence of Palli Sabha (Ward Sabha) which meets atleast twice a year to draw annual action plan for the village and prepare annual budget for all development schemes and programme of the village besides its duty to indentify beneficiaries under different schemes.

Constitution of Gram Sabha at the village level considering community dispensation in revenue villages including wards, hamlets and settlements in scheduled areas needs consideration. Since in the tribal tracts, different tribal groups reside speaking different languages, dilects and use local vocabularies, it would be worthwhile to conduct Gram Sabha meetings in such tribal friendly languages/dilects for which adequate IEC material should be made available. Another study undertaken in respect of Andhra Pradesh, Odisha and Jharkhand by NIRD had concluded that overall functioning of Gram Sabha in the study areas of the states was not very satisfactory in terms of level of awareness, functioning of Gram Sabha, attendance and participation in Gram Sabha. It is presumed that position must have improved over the years. Gram Sabha being the basic institution of decentralized governance intending to place direct political power in the hands of the people should be seen as an integral part of a Gram Panchayat. Gram Sabhas are, in fact, "watchdogs" as somebody has described in the politician-bureaucratic nexus. Therefore, what is needed is to provide larger citizen involvement in new variants of old institutions like the Gram Sabha which can combine older forms of informal consensus-making mechanism with the more formal, institutionalized and legal forms decreed by legislation. This is more so vital and important in Scheduled Areas particularly. The experience in other states is more or less the same except for a very few progressive states like Kerala and Karnataka. Low participation in Gram Sabha meetings can be mainly attributed to strong caste, class and gender divide villages. In the non-scheduled areas, Sarpanches and other influential people seem to be dominating the decision process. The performance and efficacy of Panchayat members is largely influenced by caste and class distinctions. Therefore, the vibrancy and efficacy of Gram Sabha will remain a mirage if the Gram Sabha is not endowed with the capacity to perform assigned

roles and responsibilities. This is more relevant in a socio-cultural milieu where human resource development is low and society is deeply fragmented and hierarchical.

Although most of the Schedule V states have amended their respective Panchayat laws in conformity with the central Act, they seem to have done so with a lot of indignation and reluctance. In fact, some of the provisions of PESA Act were so radical that the states found them to be too hot to handle with particularly with regard to Gram Sabha's mandatory role on land acquisition, grant of concession for lease of miner minerals and prevention and restoration of alienated lands of tribals. In the process, while amending the state Panchayat laws, the basic ideals of PESA Act were diluted. The state governments in their utter anxiety and implicit connection with companies and corporates acquired land for companies even against clear denial resolution of Gram Sabha. In Raigarh district of Chhatisgarh, 52 Gram Panchayats had passed resolution against land acquisition for Jindal Steel Plant Ltd. (JSPL). But the state government granted permission to the company to acquire land. In Jharkhand the tribals of Pakur district were strongly agitating against land acquisition for mining in Dumka. But land acquisition continued even without prior consultation with local people and the Gram Sabha. The Council for Social Development (CSD) an NGO conducted a filed study in 1999 to access people's grievances against Alumina Project in Rayagada district of Odisha, a scheduled district. Acquisition of land was found to be done without dialogue, transparency, discussion and consultation with Gram Sabha. It was also alleged in case Lanjigarh Bauxite Project of Vedanta/Sterlite Company in Kalahandi district of Odisha that Gram Sabha meeting was held by district authorities prevailing upon the Sarpanch of the concerned Gram Panchayat to provide consent to the proposed land acquisition. Similar position obtained in relation to the POSCO Steel Plant in Odisha. The fact remains that the states have generally taken advantage of the incongruous provisions of "Gram Sabha or Panchayats at appropriate level". In the process, Gram Sabhas have been either ignored or pressurized to offer consent as a matter of formality. There are instances of adequate evidence of large-scale manipulation of Gram Sabha records by the administrative functionaries or the political executive primarily to accommodate the rapacious interests of corporate sectors.

The importance of annual reports of Governors to the President in respect of Scheduled Areas, therefore, warrant more importance now. Instead of a mere routine report in the prescribed format, it may have to contain a critical analysis of over-all socio-economic situation of the tribals in Scheduled Areas of the concerned state. The Second Administrative Reforms Commission has categorically suggested that capacity building for conflict resolution in the Scheduled Areas is of paramount importance and the state conformity legislations should be mortified by the Ministry of Panchayati Raj, Government of India. It has been observed that due to various gaps in PESA Act and lack of clarity and comprehension, may provisions of PESA Act including wordings in the law have been mis-interpreted against its spirit. The Expert Group constituted by Planning Commission on "Development Challenges in Extremist Affected Areas" have made several suggestions. Similarly, the Mungerkar Committee have made several recommendations. Based on these reports, the Ministry of Panchayati Raj has circulated draft model guidelines called the "Gram Sabha Niyam Samhita" and the draft model rules have been circulated to states seeking views of state governments. The Governors of PESA states, therefore, have a great responsibility in formulating effective and proactive rules and regulations for Scheduled Areas in this regard.

Over-all View

Implementation of PESA in many states has not resulted in any spectacular or specific results in terms of the ideals and objectives envisaged in the PESA Act. The state laws have been amended more as a routine than real application of the spirit of the Act. Although the central Act envisages a strong and powerful and self-reliant Gram Sabha, state laws seem to have restricted its functions to the extent that the Gram Sabha shall exercise such power and perform functions in such manner as may be prescribed. The rationale behind the Act to empower Gram Sabhas to approve and sanction all matters relating to tribal society and their economy needs to be ensured. The underlying taboo of hesitancy and bias in sincerely implementing the provisions of the Act have to be removed. Odisha is one of the leading states to have declared a sound policy in the control and management of Minor Forest Produce but there are several grey areas which need quick resolution. Devolution of power to Panchayat institutions in the PESA area is not considered in the true spirit of the constitutional mandate. No specific devolution for the PESA area is either performed nor any exclusive set of rules and regulations are adopted. In the PESA area, Panchayat institutions are treated on the same footing as in the non-PESA areas except for reservation of seats and posts as provided in the constitutional Act. In consequence, the role of state agencies, political leadership, the bureaucracy and the attitude of non-tribals and power-holders continues to dominate in the traditional fashion without any change or orientation in outlook. There is hardly any prescribed or unwritten mechanism through which tribals in PESA areas could demand for proper implementation of PESA and required state legislative measures to their advantage. In the context of recent shift in the development paradigm of many states, construction of dams, major industrial and mining projects, the community resources of tribals seem to be under threat even though the Gram Sabha is competent to preserve the community resources. The 'eminent domain' of State ultimately prevails and the Gram Sabha can hardly do anything if its decisions are not honoured. There is no long term planning for the scheduled areas as a whole although location and project specific action is being taken. The rights of tribals over natural resources have not been specified or outlined in the existing state laws. As a result, people's rights in PESA areas over natural resources as inalienable rights in specific resources is grossly in neglect. The provision of 'consultation' as prescribed in PESA is confusing as it would always not mean consent. Besides, neither in PESA nor in the state legislation no punitive step is prescribed to be used as a legal instrument against those authorities/institutions violating such provisions in case Gram Sabhas are not consulted or their decisions/views are not honoured. Emergence of parallel institutions and structures and introduction of state specific projects whether in the name of Pani Panchayat, SHGs unnoticeably creates a divide between the PRIs at the village level and at the implementing agencies for which the grass-root democratic institutions in the PESA areas are placed at greater disadvantage. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights Act,2006) is intended to recognize and vest the Forest Rights and occupation in forest land of forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded and to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. Under this Act the Gram Sabha is the authority to initiate the process for determining the nature and extent of individual and community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers. Against the resolution of the Gram Sabha recommending claims, appeal lies to the Sub-Divisional Committee. In actual implementation practice, it is noticed that the Gram Sabha practically has no role in matters relating to either demarcation of a protected area or in deciding the critical wild life habitat. The government reserves the right to decide the area and the Gram Sabha would give only its

informal consent in the settlement package. The Gram Sabha does not have the right to disagree. Moreover, its role has been limited only to initiate the process of determining the rights.

Grassroots institutions like Gram Sabha need more focus not in terms of power or authority alone but coherent and clear legal back-up. The bonafide intentions of PESA Act could have been better appreciated by state governments in the overall development of tribals in schedule V areas. Lack of clarity in the mandated provisions in PESA Act prompted state governments to move in their own way. The central government may have a relook to the provisions now and suggest for amendments to the existing provisions of PESA based on the views of state governments and others in which the primacy of Gram Sabha is reasoned out with constitutional legitimacy.

Chapter-IV

Profile of Study Area

Profile of Odisha

Odisha is located between 17 N and 22.3 latitudes and between 81.3 to 87.5 E longitudes and represents a State situated on the coast of Bay of Bengal, which is surrounded by Andhra Pradesh in the south. Bay of Bengal in the east, Chhatisgarh state in the west, West Bengal and Bihar states in the north. The state presently covers 1.55.707 sq. kms, which accounts for 4.74 % of the total land area of the country and geographically ranks in the 9th position among the Indian states. The administrative divisions of the state were formulated with 13 districts during 1948, again restructured into 30 districts in 1992, which are sub-divided into 59 sub-divisions, consisting of 314 community development Blocks, comprising of 51.124 number of villages. As far as the population strength of the state is concerned, it ranks 11th position and shares 3.74 % of India's population with a growth rate of 2.00 % per annum. The population of Odisha, which was 316.60 lakh in 1991, has increased to 368.05 lakh in 2001 exhibiting a decennial growth rate of 16.25 % as against 20.06 % in the previous decade and 23.86 % at the all-India level. The density of population increased from 203 per Sq. Km. in 1991 to 236 per Sq. Km in 2001 which is lower than the all-India average of 313 per sq. km. The increase in the literacy rate from 49.10 % in 1991to 63.08 % in 2001 was significant. The male and female literacy rates have gone up to 75.35 % and 50.51 % respectively in 2001. Since 1921, the state has experienced a progressive decline in the sex ratio of females. With regard to sex ratio while it was 1086 females per 1000 males in 1921, it has reduced to 927 females during 1991, but again increased to 972 as per 2001 census. Since final official figures of 2011 census are not available, position of decadal growth has been reflected in the analysis

Tribal situation in Odisha

Odisha has a landmass of 1, 55,707 sq. km. with 3.68 crore population as per 2001 census. The scheduled tribes (ST) and scheduled castes (SC) population of the state are 81, 45,081 and 60.82.063 respectively. The ST population constitutes 22.13% of the total population of the state and 9.66% of the total tribal population of the country. The SC population constitutes 16.53% of the state and 3.65% of the total SC population of the country. Both ST and SC together constitute 38.66% of state's total population. Leaving apart the state of Nagaland, state of Odisha carries the highest percentage of tribal population in India. Considering the development index, the President of India, during 1956, declared 62 different tribal communities of Odisha as scheduled tribes out of which 13 are considered as Primitive Tribal Group (PTG) for special treatment. The scheduled tribes in Odisha speak as many as 74 dialects.

Out of 30 districts of the State, Mayurbhanj district is having the highest ST population (12.58 lakh) but the percentage of ST population to total population is the highest (57.43%) in Malkangiri district. Similarly, Ganjam district is having the highest SC population (5.87 lakh) but the percentage of the SC population to total population is the highest (23.62%) in Sonepur district. The sex ratio among ST and SC community is 1003 and 979 respectively in the State. It is observed that Koraput district has the highest proportion of families (83.61%)

living below poverty line followed by Malkangiri with 81.88%, Boudh (80.2%), Deogarh (78.79%), Kandhamala (78.42%), Nuapada (78%), Mayurbhanj (77.7%) and Keonjhar (76.96%). All these districts are having predominance of tribal population. The districts having relatively higher proportion of families living below poverty line are always handicapped and more dependent on external financial resources.

Almost 44.21 % of the total land area in Odisha has been declared as scheduled area. Except the coastal belt, many of the districts of the state have been declared as either partially or fully scheduled area. The present scheduled area of the state covers six districts wholly and seven districts partially. The districts of Mayurbhanj, Sundargarh, Koraput, Nawarangpur, Malkangiri and Rayagada are wholly scheduled areas. Out of 314 Community Development Blocks in Odisha, 118 (37.3%) blocks are preponderantly occupied by the tribal communities, which are covered under Tribal Sub-Plan (TSP). The districts predominantly inhabited by tribal communities are Malkangiri (58.51%), Sundargarh (50.74%), Koraput (50.67%), whereas, the districts with a sizeable tribal population are Keonjhar (44.62%), Gajapati (47.88%), Jharsuguda (33.88%), Nuapada (35.95%), and Deogarh (33.31%). The major tribes of Odisha in terms of their numerical strength, to name a few, are the Kondhs, Gonds, Santals, Saoras, Bhuiyans, Parajas, Koyas, Oraons, Gadabas, Juangas and Mundas, Apart from these, there are also a good number of smaller tribal communities living in Odisha. Since the latest distribution of population tribe-wise was not available, an attempt has made to look into the census report of 1981, which reflects that the Chenchus, the smallest tribal community are representing only 39 persons. There are 15 tribal groups distributed in Odisha, each covering more than one-lakh persons. When tribal communities like Santal, Gond, Munda, Ho, Birhor, Koya, Lodha, Kondha, Bhumija, Kharia and Oraons cut across the state boundaries and are found in the neighboring states of Bihar, Chhatishgarh, Andhra Pradesh and West Bengal, the tribal communities like Juanga, Bonda and Didayee are found to be confined to the regions of their origin in the districts of Keonjhar and Malkangiri in Odisha.

Profile of Study Districts

Nabarangpur District

The Nabarangapur district of Odisha covers a total area of 5,291 sq kms. (see Map-1). As per 2001 census, total population is 10,18,171 comprising of 5,11,004 males and 5,07,167 females with a density of 192 population per sq Km. The district extends in the West upto Bastar district of Chattisgarh, in the East upto Kalahandi district, in the North upto Raipur district of Chatisgarh and in the South, to Koraput district. Nabarangpur district is situated between 190-14′ Latitude and 82.32′ Longitude at an elevation of 1876′ from sea level. The district's demographic profile makes it clear that it is a predominantly tribal and backward district with 55.58% tribals and 73% of the rural families living below poverty line (BPL).With regard to literacy rate, male literacy rate is 20.10% and female literacy rate is 9.01%. The district has 10 blocks, 61 RI circles, 169 GPs and 887 revenue villages. Out of total 1025766 population, 144654 are scheduled castes, 564480 Scheduled tribes and 316632 population belong to general category.

Sundargarh District

Sundargarh district forms the north-western part of Odisha state and is the second largest district in the state accounting for 6.23% of the total area. Geographical area of the district is 9712 sq.kms. (see Map-II). The district spreads from 21°36′N to 22°32′N and from 83°32′E to 85°22′E. The place is located on the north-western corner of Odisha. With a population of

18, 29, 412, the district has a population density of 188 persons per sq km (2001 census). The literacy rate of Sundargarh is 65.22%. Around 36,000 hectares of land is available for cultivation in the district. Being intersected by Brahmani and other rivers, the district is known to have flourishing industries of textile and other allied sectors. The district has a total population of 1829412. Scheduled caste population is 158000 whereas the scheduled tribe population is 919000 in Sundergargh district and the rest belong to other categories.

Keonjhar District

The district is situated at 21° 33' 18" N latitude and 85° 38' 27" E longitude. In 2011, Keonjhar had a population of 1,802,777 of which male and female were 907,135 and 895,642 respectively. Out of the total population, 1,81,488 are scheduled caste and 6, 95,141 scheduled tribes and 6, 85,361 belong to other caste .The initial provisional data suggest a density of 217 in 2011 compared to 188 in 2001. Total area of Keonjhar district is of about 8,303 sq.kms (see Map-III). The average literacy rate of Keonjhar in 2011 was 69% compared to 59.24% of 2001. Looking from gender angle, male and female literacy was 79.22% and 58.70% respectively. As per 2001 census, the figures stood at 71.99% and 46.22% in Keonjhar district. Total member of literates in Keonjhar district were 1,069,023 of which male and female were 616,025 and 452,998 respectively. With regard to sex ratio, the position stood at 987 per 1000 male compared to 977 in 2001 census figure.

Kandhamal District

The present Kandhamal district was created with some segments of three erstwhile principalities of Boudh, Ghumsar and Khemundi, reigned by the Bhanjas and the Ganga dynasties from ancient times. Their reign came to an end with the advent of British to this region in the nineteenth century. Kandhamal district lies between 19.34º and 20.50º north latitude and 84.48ºeast longitude bounded by Boudh district in the north, Rayagada in south, Ganjam & Nayagarh in East and Kalahandi in west (see Map-IV). The district covers a total population of 648201comprising 322799 male members (49.80%) and 3, 25,402 (50.20%) female members. The density of population is 81 per sq.km. Total literacy rate in the district is 43.15% of which female literacy rate is 29.49% and male literacy rate is 56.91%. Considering the ethnic distribution of population, Schedule tribes account for 51.96%, scheduled caste 16.89% and other caste population 31.15%.

Information on select Blocks

The present study covered eight blocks, two from each select district namely Saharpada and Banspal blocks of Keonjhar district, Khajuripada and Phiringia blocks of Kandhamal district, Lahunipada and Tangarpalli blocks of Sundergarh district and Umerkote and Tentulikhunti blocks of Nabarangpur district. Table 4.1 and Table 4.2 below present the demographic profile and ethnic distribution of population respectively.

The geographical coverage of Saharpada block is 383.53 sq.km, Banspal 1191.07 sq.km, Khajuripada 372.49 sq.km, Phiringia 632.56 sq.km, Lahunipada 701.54 sq.km, Tangarpalli 254.82 sq.km, Umerkote 512.87 sq.km and Tentulikhunti 380.09 sq.km. Phiringia block covered highest number of villages (420) followed by Khajuripada (249 villages). Tangarpalli covered lowest number of villages (73). Among all, the blocks, highest population is revealed in Umerkote block (136,739) in Nawarangpur district followed by Lahunipada block (85,019) in Sundargarh district. The density of population is the highest in Umerkote block and lowest in Banspal block in Keonjhar district. Regarding sex ratio among the select blocks, highest sex ratio is found in Tentulikhunti block of Nabarangpur district (1020.40) and lowest in Umerkote block of the same district (980.08). Literacy rate is the highest in Khajuripada

block (49.5%)of Kandhamal district followed by Saharpada block (47.7%)in Keonjhar district where as lowest literacy rate is found in Umerkote block (21.7%) followed by Banspal block (22.2%)

Table 4.1
Demographic profile of select blocks

Dist	Block	Area (Sq. Km)	No. of Villages	Total Population	Density	Sex-Ratio	Literacy			
							Male	Female	Total	Per centage
Keonjhar	Saharapada	383.53	139	79,048	206.10	1019.67	23353	14362	37715	47.71
	Bansapal	1191.07	163	85,845	72.07	1014.38	13785	5277	19062	22.2
Kandhamal	Khajuriapada	372.49	249	46,755	125.52	988.64	15799	7341	23140	49.49
	Phiringia	632.56	420	72,099	113.97	1008.04	19117	7935	27052	37.52
Sundergarh	Lahunipara	701.54	220	85,019	121.18	1003.03	21038	12150	33188	39.03
	Tangarpali	254.82	73	58,284	228.72	990.5	18445	12096	30541	52.4
Nabarangpur	Umarkote	512.87	106	136,739	266.61	980.08	21065	8632	29697	21.71
	Tentulikhunti	380.09	84	68,013	178.93	1020.4	15558	7236	22794	33.51

Source: Census 2001

Table 4.2
Ethnic distribution of population of selected blocks

Dist	Block	Total Population	Total Population		SC Population				ST Population			
			Male	Female	SC Male	SC Female	SC Total	SC (%)	ST Male	ST Female	ST Total	ST (%)
Keonjhar	Saharapada	79,048	39139	39909	3405	3394	6799	8.6	22057	22595	44652	56.48
	Bansapal	85,845	42616	43229	1879	1938	3817	4.44	33231	33984	67215	78.29
Kandhamal	Khajuriapada	46,755	23511	23244	7284	7244	14528	31.07	11843	11711	23554	50.37
	Phiringia	72,099	35905	36194	6043	6181	12224	16.95	20827	21133	41960	58.19
Sundergarh	Lahunipara	85,019	42445	42574	2672	2732	5404	6.35	27695	27926	55621	65.42
	Tangarpali	58,284	29281	29003	4323	4303	8626	14.79	15243	14988	30231	51.86
Nabarangpur	Umarkote	136,739	69057	67682	11116	10701	21817	15.95	43147	42395	85542	62.55
	Tentulikhunti	68,013	33663	34350	5568	5535	11103	16.32	15813	16445	32258	47.42

Source: Census 2011

As regards composition of population, Umerkote block has the highest population (136739) whereas lowest population is revealed in Khajuripada block (46755). Concentration of SC population is maximum in Khajuripada block (31.07%) with least concentration in Banspal block (4.44%). Similarly, ST concentration is maximum in Banspal block (78.29%) and least in Tentulikhunti block (47.42%) (See Table. 4.2)

SOCIO-ECONOMIC PROFILE

Household Composition

The head of the household is either a female or a male person. It reveals from Table 4.3 (see annexure-1) that overall, 92.34% are male headed and 7.66% are female headed households

in the study area. District wise data shows maximum number of female headed households are found in Sundergarh (10.28%) followed by Kandhamal (9.22%), Nabarangpur (6.57%) and Keonjhar (5.56%) (Figure 4.1) Maximum female headed households of 10-11% is found in Saharapada, Khajuriapada, Phiringia, Burja GPs and least in Banspal, Kadakala and Megdega (0-2%) GPs. The female headed households in the study area include widow, divorcee or elder female member in the family.

Table 4.4

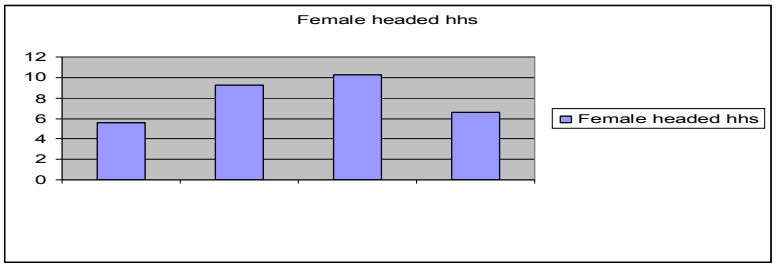
Composition of household members

Dist	Block	GP	No of HHs	No of male	No of female	Total population	Average size of family
Keonjhar	Saharapada	Saharapada	152	337 (51.37)	319 (48.63)	656 (100)	4.3
		Damahuda	46	120 (52.40)	109 (47.60)	229 (100)	4.9
	Bansapal	Bansapal	100	268 (53.92)	229 (46.08)	497 (100)	4.9
		Kadakala	116	312 (57.14)	234 (42.86)	546 (100)	4.7
		Sub-total	**414**	**1037 (53.79)**	**891 (46.21)**	**1928 (100)**	**4.6**
Kandhamal	Khajuriapada	Khajuriapada	51	99 (50.00)	99 (50.00)	198 (100)	3.8
		Gudari	54	132 (53.87)	113 (46.13)	245 (100)	4.5
	Phiringia	Phiringia	93	199 (51.42)	188 (48.58)	387 (100)	4.1
		Gochapada	84	177 (51.00)	170 (49.00)	347 (100)	4.1
		Sub-total	**282**	**607 (51.57)**	**570 (48.73)**	**1177 (100)**	**4.2**
Sundergarh	Lahunipada	Lahunipada	98	230 (48.72)	242 (51.28)	472 (100)	4.8
		Haladikudar	76	215 (52.56)	194 (47.44)	409 (100)	5.3
	Tangarapali	Tangarapali	83	207 (51.75)	193 (48.25)	400 (100)	4.8
		Megeda	103	217 (52.41)	197 (47.59)	414 (100)	4.0
		Sub-total	**360**	**869 (51.27)**	**826 (48.73)**	**1695 (100)**	**4.7**
Nabarangpur	Umorkote	Burja	146	375 (53.19)	330 (46.81)	705 (100)	4.8
		Singisiri	194	482 (52.62)	434 (47.38)	916 (100)	4.7
	Tentulikhunti	Tentulikhunti	60	141 (51.08)	135 (48.92)	276 (100)	4.6
		Kangra	72	178 (51.29)	169 (48.71)	347 (100)	4.8
		Sub-total	**472**	**1176 (52.41)**	**1068 (47.59)**	**2244 (100)**	**4.7**
4 Districts	**8 Blocks**	**16 GPs**	**1528**	**3689 (52.37)**	**3355 (47.63)**	**7044 (100)**	**4.6**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Figure 4.1

District wise female headed households



While enquiring about size of family in study GPs, it is revealed that on the whole, out of total population of 7044 in the study area, 47.6% are female members, 52.4% are male members and the average size of family is 4.6 (Table 4.4). District-wise data reveals that presence of male members is maximum (53.8%) in Keonjhar district followed by Nabarangpur district (52.4%), Kandhamal (51.6%) and Sundergarh (51.3%). Among the study GPs, average size of family is the highest in Haladikudar (5.3) in Sundergarh district followed by Damahuda and Banspal GPs (4.9) of Keonjhar district and the lowest in Khajuripada (3.8%) of Kandhamal district. As regards composition of male and female members ,the highest number of male persons is found in Kadakala GP (57.1%) followed by Banspal GP (53.9%) in Keonjhar district and highest number of female members is noticed in Lahunipada GP (51.3%) of Sundergarh district followed by Khajuripada GP (50%)in Kandhamal district.

Age Composition

In the present study, population was divided into different age groups i.e. 0-5, 6-14, 15-45, 46-60 and 61 above. Table 4.5 reveals that maximum population (19.42%)in the age group 0-5 years is found in Megdega GP of Tangarpalli block in Sundergarh district followed by Singisari GP of Umerkote block(16.16%) and lowest (1.45%) in Tentulikhunti GP of Tentulikhunti block in Nawarangpur district. Among the districts, maximum population (11.95%) in the age group 0-5 years is found in Nabarangpur district followed by equally each (7.6%) in Keonjhar and Sundergarh districts. Similarly, population in the age group of 6-14 years, with highest percentage (25.35%) is seen in Banspal GP of Banspal block followed by Tentulikhunti GP of Tentulikhunti block (25.0%) and the lowest in Tangarpalli GP of Tangarpalli block (13.75%). District-wise data shows that population in the age group 6-14 is the highest (23.18%) in Nabarangpur district and lowest in Sundergarh (15.22%).

Population in the age bracket of 15-45 years is found maximum in Kadakala GP of Banspal block (67.22%) followed by Megdega GP of Tangarpalli block (64.01%) and the lowest in Khajuripada GP (46.46%) of Khajuripada block. The highest percentage of population (60.32%) in the age group of 15-45 years is found in Keonjhar district followed by Sundergarh (59.06%) and lowest in Kandhamal district (50.80%). In the age bracket of 46-60 years, maximum population (18.08%) is found in Phiringia GP of Phiringia block followed by Khajuripada GP of Khajuripada block (16.16%) and the lowest in Banspal GP of Banspal block (3.42%).Among the districts, highest number of population (15.29%) in the age group 46-60 is found in Kandhamal district followed by Sundergarh district (12.33%) and lowest in Nabarangpur district (8.73%). The population in the age group of 61 & above, is the highest found in Khajuripada GP of Khajuripada block (10.61%) followed by Gudari GP of Khajuripada block (7.35%) and lowest in Banspal GP of Banspal block (0.21%). District-wise data shows that highest population in the age group 61&above is found in Kandhamal district (6.89%) followed by Sundergarh district (5.78%) and lowest (0.89%) in Kenjhar district. Overall data reveals that highest population (56.06%) is noticed in the age group of 15-45 years. The above mentioned data indicates that life expectancy rate is the highest in Kandhamal district followed by Sundergarh district, and lowest in Keonjhar district. This result may create doubt in mind but it could be possible due to the effect of pollution emanating from the mining industries resulting in poor health and nutritional conditions of the people particularly in the tribal concentrated areas.

Table 4.5

Age group of population

Dist	Block	GP	No of HHs	Total members	Age group of population (in years)				
					0-5	6-14	15-45	46-60	61& above
Keonjhar	Saharapada	Saharapada	152	656 (100)	62 (9.45)	114 (17.38)	371 (56.55)	97 (14.78)	12 (1.84)
		Damahuda	46	229 (100)	20 (8.73)	51 (22.27)	124 (54.15)	32 (13.97)	2 (0.88)
	Bansapal	Bansapal	100	497 (100)	52 (10.46)	126 (25.35)	301 (60.56)	17 (3.42)	1 (0.21)
		Kadakala	116	546 (100)	13 (2.38)	108 (19.78)	367 (67.22)	56 (10.26)	2 (0.36)
		Sub-total	**414**	**1928 (100)**	**147 (7.62)**	**399 (20.69)**	**1163 (60.32)**	**202 (10.48)**	**17 (0.89)**
Kandhamal	Khajuriapada	Khajuriapada	51	198 (100)	7 (3.54)	46 (23.23)	92 (46.46)	32 (16.16)	21 (10.61)
		Gudari	54	245 (100)	11 (4.48)	40 (16.33)	138 (56.33)	38 (15.51)	18 (7.35)
	Phiringia	Phiringia	93	387 (100)	30 (7.75)	83 (21.45)	181 (46.77)	70 (18.08)	23 (5.95)
		Gochapada	84	347 (100)	27 (7.78)	74 (21.32)	187 (53.89)	40 (11.53)	19 (5.48)
		Sub-total	**282**	**1177 (100)**	**75 (6.37)**	**243 (20.65)**	**598 (50.80)**	**180 (15.29)**	**81 (6.89)**
Sundergarh	Lahunipada	Lahunipada	98	472 (100)	31 (6.57)	71 (15.04)	277 (58.69)	62 (13.13)	31 (6.57)
		Haladikudar	76	409 (100)	60 (14.67)	71 (17.36)	210 (51.34)	42 (10.27)	26 (6.36)
	Tangarapali	Tangarapali	83	400 (100)	18 (4.50)	55 (13.75)	249 (62.25)	50 (12.50)	28 (7.00)
		Megeda	103	414 (100)	20 (19.42)	61 (14.74)	265 (64.01)	55 (13.28)	13 (3.15)
		Sub-total	**360**	**1695 (100)**	**129 (7.61)**	**258 (15.22)**	**1001 (59.06)**	**209 (12.33)**	**98 (5.78)**
Nabarangpur	Umorkote	Burja	146	705 (100)	77 (10.92)	171 (24.26)	375 (53.19)	55 (7.80)	27 (3.83)
		Singisiri	194	916 (100)	148 (16.16)	206 (22.49)	467 (50.98)	70 (7.64)	25 (2.73)
	Tentulikhunti	Tentulikhunti	60	276 (100)	4 (1.45)	69 (25.00)	150 (54.35)	43 (15.58)	10 (3.62)
		Kangra	72	347 (100)	39 (11.24)	74 (21.33)	195 (56.19)	28 (8.07)	11 (3.17)
		Sub-total	**272**	**2244 (100)**	**268 (11.95)**	**520 (23.18)**	**1187 (52.90)**	**196 (8.73)**	**73 (3.24)**
Total			**1528**	**7044 (100)**	**619 (8.79)**	**1420 (20.16)**	**3949 (56.06)**	**787 (11.17)**	**269 (3.82)**

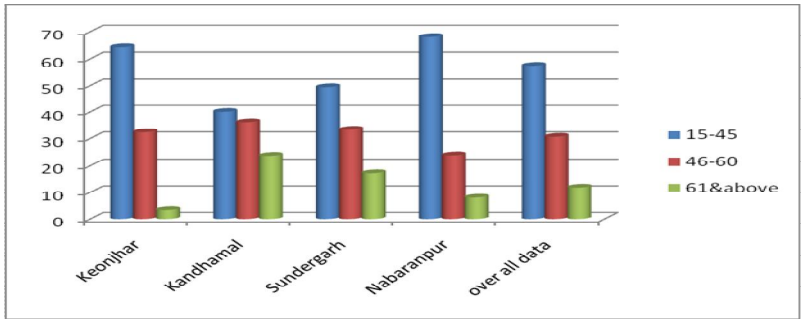
Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Age group of Heads of House Holds (HHH)

The age group of heads of the households, in maximum cases (57.5%) comes under 15-45 years. (Table 4.6 mentioned in Annexure-1). Figure 4.2 shows the district-wise age composition of HHH.

Figure 4.2

Age composition of HHH



Occupational Pattern

The present study categorized the total occupational structure into different occupations. For analysis purpose, some of the identical categories are combined into one group. For example- agriculture & agricultural labour includes agriculture & agricultural labour and contract/ partners in agriculture. Business includes business, family business, trading and petty shops, whereas other occupation includes maid servant, skilled worker and others. Non-income group includes students, persons doing household chores and persons not doing anything. The occupational structure of study area is shown in Table- 4.7 below.

Table 4.7
Occupational pattern

Dist	Block	GP	No of Population excluding (0-5 years) children	Agriculture/ AG labour	Daily wage Labour	Service Holders	Business Petty shop	Other occupation	Non income group
Keonjhar	Saharapada	Saharapada	594 (100)	157 (26.43)	131 (22.05)	5 (0.84)	8 (1.35)	36 (6.06)	257 (43.27)
		Damahuda	209 (100)	117 (55.98)	29 (13.87)	1 (0.48)	0 (0.0)	2 (0.96)	60 (28.71)
	Bansapal	Bansapal	445 (100)	231 (51.91)	27 (6.07)	4 (0.89)	11 (2.47)	14 (3.15)	158 (35.51)
		Kadakala	533 (100)	276 (51.79)	23 (4.31)	0 (0.0)	13 (2.44)	4 (0.75)	217 (40.71)
		Sub-total	**1781 (100)**	**781 (43.85)**	**210 (11.79)**	**10 (0.56)**	**32 (1.80)**	**56 (3.15)**	**692 (38.85)**
Kandhamal	Khajuriapada	Khajuriapada	191 (100)	46 (24.08)	51 (26.71)	0 (0.0)	0 (0.0)	1 (0.52)	93 (48.69)
		Gudari	234 (100)	25 (10.68)	75 (32.05)	2 (0.85)	1 (0.42)	3 (1.29)	128 (54.71)
	Phiringia	Phiringia	357 (100)	126 (35.29)	70 (19.60)	0 (0.0)	0 (0.0)	1 (0.28)	160 (44.82)
		Gochapada	320 (100)	41 (12.82)	97 (30.31)	2 (0.62)	0 (0.0)	1 (0.31)	179 (55.94)
		Sub-total	**1102 (100)**	**238 (21.60)**	**293 (26.59)**	**4 (0.36)**	**1 (0.09)**	**6 (0.54)**	**560 (50.82)**
Sundergarh	Lahunipada	Lahunipada	441 (100)	100 (22.67)	46 (10.43)	20 (4.53)	13 (2.95)	27 (6.13)	235 (53.29)
		Haladikudar	349 (100)	167 (47.85)	19 (5.44)	1 (0.29)	0 (0.0)	0 (0.0)	162 (46.42)
	Tangarapali	Tangarapali	382 (100)	251 (65.71)	16 (4.19)	11 (2.88)	2 (0.52)	0 (0.0)	102 (26.70)
		Megeda	394 (100)	219 (55.58)	31 (7.87)	6 (1.52)	3 (0.86)	4 (1.14)	131 (37.53)
		Sub-total	**1566 (100)**	**737 (47.06)**	**112 (7.15)**	**38 (2.43)**	**18 (1.15)**	**31 (1.98)**	**630 (40.23)**
Nabarangpur	Umorkote	Burja	628 (100)	150 (23.88)	86 (13.69)	1 (0.16)	27 (4.30)	6 (0.96)	358 (57.01)
		Singisiri	768 (100)	227 (29.56)	70 (9.11)	6 (0.78)	0 (0.0)	6 (0.78)	459 (59.77)
	Tentulikhunti	Tentulikhunti	272 (100)	94 (34.56)	22 (8.09)	5 (1.84)	15 (5.51)	11 (4.05)	125 (45.95)
		Kangra	308 (100)	84 (27.27)	33 (10.72)	12 (3.90)	1 (0.32)	5 (1.62)	173 (56.17)
		Sub-total	**1976 (100)**	**555 (28.08)**	**211 (10.68)**	**24 (1.21)**	**43 (2.18)**	**28 (1.42)**	**1115 (56.43)**
Total			**6425 (100)**	**2311 (35.97)**	**826 (12.86)**	**76 (1.18)**	**94 (1.46)**	**121 (1.88)**	**2997 (46.65)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

The highest number of population (65.7%) engaged in agriculture/agricultural labour activities are found in Tangarpalli GP followed by Damahuda (55.9%). In other way, the lowest percentage (10.68%) of population found in Gudari GP are engaged in agriculture/agricultural labour activities. District-wise population engaged in agriculture

shows that highest number of population is found in Sundergarh (47.06%) and lowest number of population in Kandhamal (21.6%) who are engaged in agricultural activities.

The highest percentage of population (32.05%) engaged in daily wage labour activities is found in Gudari GP followed by Gochapada (30.3%) GP. Among the districts, the highest percentage (26.59%) of population engaged is daily wage labour is found in Kandhamal district.

The highest number (4.5%) of population engaged in service activities is found in Lahunipada GP followed by Kangra GP (3.9%). Whereas, no service holder is found in Kadakala, Phiringia and Khajuripada GPs. While comparing among the districts, maximum number of population i.e. 2.4% is seen to be service holders in Sundergarh district.

About 5.5% of population (highest among the GPs) engaged in business activities is revealed in Tentulikhunti GP followed by Burja GP (4.3%). People engaged in active business activities are not found in Damahuda, Khajuripada, Phiringia, Gochapada, Haladikudar and Singisari GPs. Among the districts, people engaged in business activities are found more in Nabarangpur district (2.2%) than other study districts.

The result shows that persons under non-income group (46.65%) are highest among all groups of people followed by persons engaged in agriculture (36%).Non-income group includes students, housewives, people doing nothing and old persons.

Literacy Status

The facilities of education are provided both by the government and non-governmental organizations. For promotion of education, special emphasis is given for improvement of dalits and adivasis. Education is one of the indicators for poverty measurement. Tribal poverty arises mainly due to illiteracy. Moreover, due to ignorance and lack of awareness, the tribal people have been exploited by the non-tribals. Therefore, it was considered necessary to study the educational status of the people in the villages covered under the study. The position is reflected in the following Table 4.8.

Table 4.8
Literacy status

Dist	Block	GP	Total population	No of Population[1] excluding (0-5 years) children	Literacy Status	
					Literates	Illiterates
Keonjhar	Saharapada	Saharapada	656	594 (100)	339 (57.07)	255 (42.93)
		Damahuda	229	209 (100)	128 (61.24)	81 (38.76)
	Bansapal	Bansapal	497	445 (100)	300 (67.41)	145 (32.59)
		Kadakala	546	533 (100)	274 (51.41)	259 (48.59)
		Sub-total	**1928**	**1781 (100)**	**1041 (58.45)**	**740 (41.55)**
Kandhamal	Khajuriapada	Khajuriapada	198	191 (100)	138 (72.25)	53 (27.75)

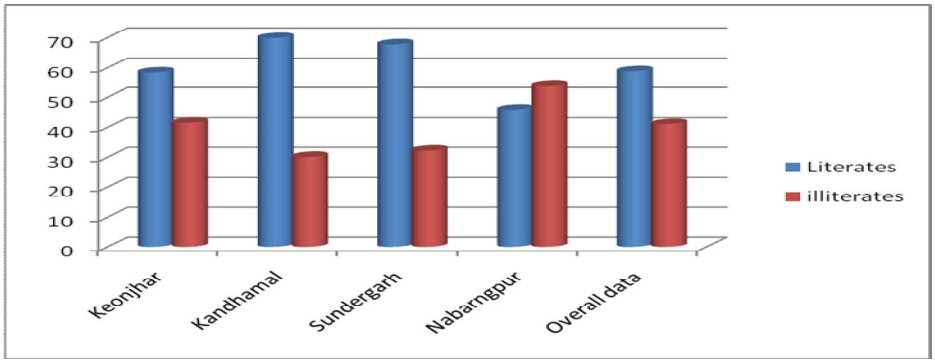
[1] *Total population is calculated for literacy excluding 0-5 years of children.*

		Gudari	245	234 (100)	175 (74.79)	59 (25.21)
	Phiringia	Phiringia	387	357 (100)	238 (66.67)	119 (33.33)
		Gochapada	347	320 (100)	219 (68.44)	101 (31.56)
		Sub-total	**1177**	**1102 (100)**	**770 (69.87)**	**332 (30.13)**
Sundergarh	Lahunipada	Lahunipada	472	441 (100)	349 (79.14)	92 (20.86)
		Haladikudar	409	349 (100)	148 (42.40)	201 (57.60)
	Tangarapali	Tangarapali	400	382 (100)	283 (74.78)	99 (25.22)
		Megeda	414	394 (100)	282 (71.57)	112 (28.43)
		Sub-total	**1695**	**1566 (100)**	**1062 (67.82)**	**504 (32.18)**
Nabarangpur	Umorkote	Burja	705	628 (100)	264 (42.04)	364 (57.96)
		Singisiri	916	768 (100)	290 (37.76)	478 (63.24)
	Tentulikhunti	Tentulikhunti	276	272 (100)	189 (69.48)	83 (30.52)
		Kangra	347	308 (100)	166 (53.90)	142 (46.10)
		Sub-total	**2244**	**1976 (100)**	**909 (46.01)**	**1067 (53.99)**
Total			**7044**	**6425 (100)**	**3782 (58.86)**	**2643 (41.14)**

Note: figure in the bracket indicates percentage to the total
Source: Field survey 2012

Among all the GPs, highest literacy rate (79.1%) is found in Lahunipada GP of Lahunipada block followed by Gudari GP (74.8%) and Tangarpalli GP. Highest illiteracy rate is found in Singisari GP (63.24%) followed by Burja GP (58%) of Umerkote block. Literacy rate is the highest in Kandhamal district (69.9%) followed by Sundergarh district (67.8%). Illiteracy rate is the highest in Nabarangpur district (54%). Over all, literacy rate is 58.9%. Figure 4.3 shows literacy status of study districts.

Figure 4.3
Literacy status of Study districts



Ethnic distribution of population

India is witnessing unity in diversity. The taboo on caste and religion has been standing as a stumbling block to national integration and developmental process. While enquiring about religion status it was seen that in Keonjhar and Kandhamal districts, 100% households are Hindus. In other districts 40 households (11.11%) belong to Christians and rest households

are Hindus in Sundergarh district. In Nabarangpur district, one household (0.21%) belongs to Muslim community, 11 households (2.33%) Christians (minority group) and rest households are Hindus.

Table 4.9
Ethnic distribution of households

The following table reflects the ethnic distribution of households in the study area.

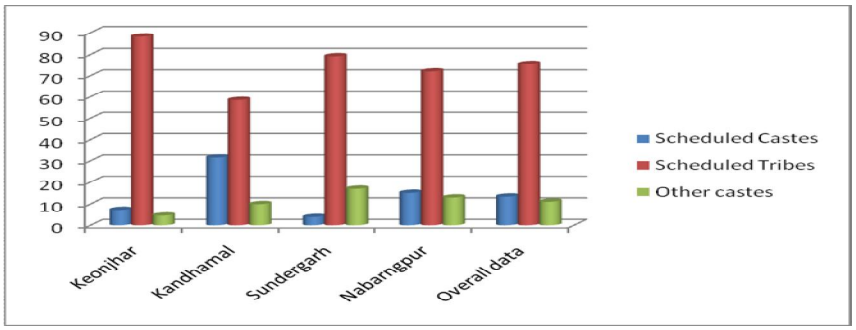
Dist	Block	GP	No of HHs	Religion			Caste		
				Hindu	Muslim	Chistian	SC	ST	Other
Keonjhar	Saharapada	Saharapada	152 (100)	152 (100)	0	0	12 (7.89)	139 (91.45)	1 (0.66)
		Damahuda	46 (100)	46 (100)	0	0	5 (10.87)	34 (73.91)	7 (15.22)
	Bansapal	Bansapal	100 (100)	100 (100)	0	0	7 (7.00)	82 (82.00)	11 (11.00)
		Kadakala	116 (100)	116 (100)	0	0	6 (5.17)	110 (94.83)	0
		Sub-total	**414 (100)**	**414 (100)**	**0**	**0**	**30 (7.25)**	**365 (88.16)**	**19 (4.59)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	51 (100)	0	0	19 (37.25)	31 (60.78)	1 (1.97)
		Gudari	54 (100)	54 (100)	0	0	28 (51.85)	25 (46.30)	1 (1.85)
	Phiringia	Phiringia	93 (100)	93 (100)	0	0	10 (10.75)	58 (62.36)	25 (26.88)
		Gochapada	84 (100)	84 (100)	0	0	32 (38.09)	51 (60.71)	1 (1.19)
		Sub-total	**282 (100)**	**282 (100)**	**0**	**0**	**89 (31.56)**	**165 (58.51)**	**28 (9.93)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	92 (93.87)	0	6 (6.13)	9 (9.18)	40 (40.82)	49 (50.00)
		Haladikudar	76 (100)	75 (98.68)	0	1 (1.32)	0	76 (100)	0
	Tangarapali	Tangarapali	83 (100)	70 (84.33)	0	13 (15.67)	1 (1.20)	79 (95.18)	3 (3.62)
		Megeda	103 (100)	83 (80.58)	0	20 (19.42)	4 (3.88)	90 (87.38)	9 (8.74)
		Sub-total	**360 (100)**	**320 (88.89)**	**0**	**40 (11.11)**	**14 (3.89)**	**285 (79.17)**	**61 (16.94)**
Nabarangpur	Umorkote	Burja	146 (100)	136 (93.15)	1 (0.68)	9 (6.17)	49 (33.56)	79 (54.11)	18 (12.33)
		Singisiri	194 (100)	194 (100)	0	0	5 (2.58)	170 (87.63)	19 (9.79)
	Tentulikhunti	Tentulikhunti	60 (100)	58 (96.67)	0	2 (3.33)	17 (28.33)	43 (71.67)	0
		Kangra	72 (100)	72 (100)	0	0	0	48 (66.67)	24 (33.33)
		Sub-total	**472 (100)**	**460 (97.46)**	**1 (0.21)**	**11 (2.33)**	**71 (15.04)**	**340 (72.03)**	**61 (12.93)**
Total			**1528 (100)**	**1476 (96.60)**	**1 (0.06)**	**51 (3.34)**	**204 (13.35)**	**1155 (75.59)**	**169 (11.06)**

Note: figure in the bracket indicates percentage to the total
Source: field survey 2012

Caste Composition

As regards caste of households, highest number of scheduled caste HHs are found in Kandhamal district (31.56%) followed by Nabarangpur district (15.04%), Keonjhar (7.25%) and Sundergarh district (3.89%). Similarly, in respect of Scheduled Tribe, the highest number of HHs is found in Keonjhar district (88.16%) followed by Sundergarh district (79.17%), Nabarangpur district (72.03%) and Kandhamal district (58.51%). The overall data reveals that 75.59% are STs, 13.35% SCs and the rest 11.06% households come under other caste category. Figure 4.4 shows caste-wise HHs in study districts.

Figure 4.4
Caste wise households in study districts



As regards sub-caste of different castes, SC HHs constitute the Panas, Dhobas and Khanduas and the STs constitute Kolhas, Santalas, Bathudis, Dombas, Mundas, Bhunyas, Kisans, Gandas and Kujhas. In Kanndhamal district only Pana sub-castes of SC and Kandhas of ST are found. Dhoba and Domba under SC and Bhumia, Munda, Bhumij, Mundari, Kisan and Gond under ST are found in Sundergarh. In Nabarangpur district, SC HHs are mainly of Harijana, Pana, Damba and Keuta castes and **STs consist of Bhottada, Lahara, Gond, Mangali, Kalar, Suna, Paika, Paraja etc.**

Economic Status of Households

Government categorized households on the basis of their economic standard of living. They are named as BPL card holders, Antodaya and other card holders and APL card holders. There are some households having no cards. In the present study, maximum number of BPL card holders (99.34%) was found in Saharpada GP of Saharpada block and lowest (24.74%) in Singisari GP of Umerkote block. Regarding Antodaya and other card holders, the highest number of HHs (21.05%) was reported in Haladikudar GP of Lahunipada block in possession of cards. No such cardholder was found in Saharpada GP and Gochapada GP. In case of APL card holders, maximum households are reported in Gudari GP (11.11%). In 7 GPs, no household possesses APL card. Some households do not have such cards at all. The highest number of non-card holders (61.34%) is reported in Singisari GP of Umerkote block followed by Burja GP (36.30%) which indicates that the people of Umerkote block are deprived of all benefits provided by government. In Saharpada and Damahuda GP of Saharpada block, Kadakala GP of Banspal block and Khajuripada GP of Khajuripada block, no case of non-possession of cards was found. District-wise economic status of households is shown in Figure 4.5 below. Maximum BPL households (92.91%) are found in Kandhamal district.

Figure 4.5
District wise economic status of households

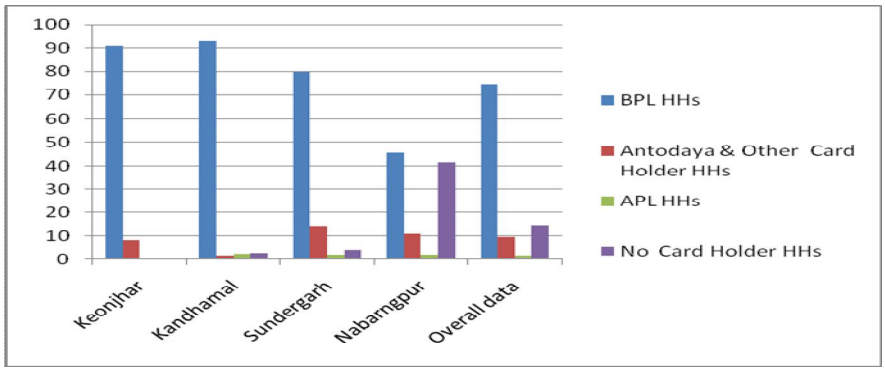


Table.4.10

Economic status of households

Dist	Block	GP	No of HHs	Type of ration card			
				BPL	Antodaya & others	No ration card	APL
Keonjhar	Saharapada	Saharapada	152 (100)	151 (99.34)	0	0	1 (0.66)
		Damahuda	46 (100)	45 (97.83)	1 (2.17)	0	0
	Bansapal	Bansapal	100 (100)	79 (79.00)	18 (18.00)	2 (2.00)	1 (1.00)
		Kadakala	116 (100)	101 (87.07)	15 (12.93)	0	0
		Sub-total	**414 (100)**	**376 (90.82)**	**34 (8.22)**	**2 (0.48)**	**2 (0.48)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	50 (98.04)	1 (1.96)	0	0
		Gudari	54 (100)	45 (83.33)	2 (3.70)	1 (1.86)	6 (11.11)
	Phiringia	Phiringia	93 (100)	85 (91.40)	2 (2.15)	6 (6.45)	0
		Gochapada	84 (100)	82 (97.62)	0	1 (1.19)	1 (1.19)
		Sub-total	**282 (100)**	**262 (92.91)**	**5 (1.77)**	**8 (2.84)**	**7 (2.48)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	83 (84.70)	7 (7.14)	2 (2.13)	6 (6.13)
		Haladikudar	76 (100)	57 (75.00)	16 (21.05)	3 (3.94)	0 (0.0)
	Tangarapali	Tangarapali	83 (100)	67 (80.72)	11 (13.25)	4 (4.83)	1 (1.20)
		Megeda	103 (100)	79 (76.70)	18 (17.07)	6 (5.83)	0
		Sub-total	**360 (100)**	**286 (79.44)**	**52 (14.44)**	**15 (4.17)**	**7 (1.95)**
Nabarangpur	Umorkote	Burja	146 (100)	79 (54.11)	11 (7.53)	53 (36.30)	3 (2.06)
		Singisiri	194 (100)	48 (24.74)	25 (12.89)	119 (61.34)	2 (1.03)
	Tentulikhunti	Tentulikhunti	60 (100)	45 (75.00)	7 (11.66)	4 (6.67)	4 (6.67)
		Kangra	72 (100)	43 (59.72)	9 (12.50)	20 (27.78)	0
		Sub-total	**472 (100)**	**215 (45.55)**	**52 (11.02)**	**196 (41.53)**	**9 (1.90)**
Total			**1528 (100)**	**1139 (74.54)**	**143 (9.36)**	**221 (14.46)**	**25 (1.64)**

Living Conditions

Economic status of people can also be measured by examining the type of family they belong to and nature of house, they live in (See Table 4.11 in Annexure-1).As revealed in table, out of 16 GPs, 100% in 6 GPs (Banspal, Khajuripada, Gochapada, Tangarpalli, Tentulikhunti and Kangra) belong to nuclear family and about 90% households in other GPs except Damahuda GP are nuclear families. Among the districts, highest number of households (98%) belong to nuclear family is revealed in Kandhamal and Nabarangpur districts. Overall, 97.25% households belong to nuclear family. This might have happened due to early marriage among tribals and separation from parents immediately after children's marriage. So the concept of joint family is rarely found in the study area. As regards nature of house, overall data shows that 86.6% have katcha houses, 11.19% semi-pucca houses and only 2.75 % live in pucca houses.

Chapter-V

Role of Gram Sabha in Implementation of PESA Act

Introduction

It is a fact that the implementation of PESA in the country and especially in Odisha has not given any positive result in terms of ideals and objectives of the Act. State laws have been amended more as a routine than their real application as per the spirit of the Acts. It has also been experienced from the studies taken by different researchers and institutions that people in tribal areas have very low understanding about PESA Act and its implementation process. Difference is not established between functioning of GS in scheduled areas and functioning of GS in non-scheduled areas. The present study made an attempt to examine the understanding level of people about the working of GS and people's participation in the GS.

Understanding about PESA Act

The assessment of understanding about PESA Act through circulation of household questionnaire in study villages was estimated by calculating GP-wise score value. Ratings on the basis of degree of understanding about PESA Act are classified by following Likert Scaling Technique (LST) with slight modification and classified into four groups (degrees) by calculating Arithmetic mean (A.M) and Standard Deviation (S.D) of scores. GPs are classified on the basis of degree of understanding. The mean of the score value is 18.75 and standard deviation is 11.30 (see table 5.1).

Table 5.1
Understanding about PESA Act

District	Block	GP	Score
Keonjhar	Saharapada	Saharapada	21
		Damahuda	23
	Bansapal	Bansapal	33
		Kadakala	43
Kandhamal	Khajuriapada	Khajuriapada	12
		Gudari	10
	Phiringia	Phiringia	11
		Gochapada	10
Sundergarh	Lahunipada	Lahunipada	24
		Haladikudar	27
	Tangarapali	Tangarapali	21
		Megeda	16
Nabarangpur	Umorkote	Bruja	4
		Singisiri	2
	Tentulikhunti	Tentulikhunti	32
		Kangra	11
Total			**300**
		A. MEAN	18.75
		S.DEV	11.3
		MEAN+ SD	30.05
		MEAN-SD	7.45

Classification of GPs according to the understanding/awareness level about PESA Act

Awareness	Not aware[2] less than 7.45 (A.M - sd)	Aware (AM-[3]SD TO AM) (7.45 TO 18.75)	Aware and [4]Partially Positive (AM TO AM +SD) (18.75 TO 30.05)	Aware and Fully [5]Positive (AM+SD AND ABOVE 30.05 & Above)
Name of GPs	Singisari, Burja	Khajuriapada, Gudari, Phiringia, Gochapada, Megeda, Kangra	Saharapada, Damahuda, Lahunipada, Haladikudar, Tangrapali	Bansapal, Kadakala, Tentulikhunti

The ratings are calculated to assess the understanding/awareness level of people in study GPs. The people of Singisari and Burja GP are not aware about PESA Act. The people of Khajuriapada, Gudari, Phiringia, Gochapada, Megdega & Kangra GPs are aware. The people of Saharapada, Damahuda, Lahunipada, Haladikudar & Tangrapali GP are aware & partially positive in understanding. People of Bansapal, Kadakala, and Tentulikhunti are aware & fully positive. Awareness level might be affected by certain variables such as literacy rate, number of participation in GS, location of GP (1=nearest and 0=farthest). To examine the factor/factors affecting awareness level, following multiple- regression model was tested:

$Y=\alpha+ b1X1 + b2X2 + b3X3+u_i$
Y denotes awareness level
X1 denotes literacy rate
X2 denotes participation rate
X3 denotes location of GP

The descriptive table (table 5.2) of means and standard deviation indicates that out of total 1528 respondents of 16 GPs, about 19% are aware about PESA Act, 62% literates, 40% participate in GS and 56% GPs are located nearest to the block head quarter.

Table 5.2
Descriptive Statistics

	Mean	Std. Deviation	N
Awareness	18.7500	11.29897	16
Literacy	61.6875	13.02674	16
No of participation	39.7500	24.43631	16
Location of GP	.5625	.51230	16

The correlation matrix (table 5.3 in annexure-II) revealed that the relationship between awareness and location of GP is negative (-0.01). It indicates that when distance of GP increases, awareness level decreases and vice-versa. The correlation between participation and awareness is also negative (-0.17). It implies that when participation is more, awareness level is low and vice-versa. But the correlation between awareness and literacy shows positive relation (0.14) indicating increase in literacy rate increases awareness level and decrease in literacy rate decreases awareness level.

[2] *Not Aware – Not heard of PESA Act.*
[3] *Aware – Just Heard PESA Act.*
[4] *Aware and partly positive - Aware of features of PESA Act.*
[5] *Aware of all the features of PESA Act.*

Regression Results

Following table shows regression results

Table 5.4

Independent Variables	Co-efficient of regression (beta)	Standard error	Other results
Literacy	0.151	0.283	R Square=0.05
Participation rate	-0.161	0.136	Adjusted
Location of GP	-0.118	7.117	R Squre=--0.188
			F=0.210

The result in Table 5.4 indicates that since adjusted R square is negative, our model is not a good model. Also it shows that the correlation between the awareness and predictor variables is not significant except the correlation between awareness and literacy.

Role of Gram Sabha and People's Participation in Gram Sabha

In the Scheduled Areas, Gram Sabhas have additional responsibilities and functions to discharge as compared to the Gram Sabhas in non-scheduled areas. This has become more prominent after the 73rd constitutional amendment and passing of the provisions of Panchayats (Extension to Scheduled Areas) PESA Act, 1996. The 73rd Constitutional Amendment mandates Gram Sabhas as the constitutionally recognized Institution at the grassroots and the PESA Act reinforces the authority and importance of Gram Sabha in larger perspective.

The Gram Sabhas/Panchayats at appropriate level are endowed with specific and special powers for protection of the interests of tribals in Scheduled Areas. Although PESA is as old 15 years by now, many state governments have not enacted rules/instructions till now for better implementation of PESA Act. Even though objectively intended to empower the Gram Sabhas more, Gram Sabhas have not functioned strictly as per intentions and objectives of PESA legislation. The mandate of prior consultation or consent has not been taken seriously. In vitally important matters like acquisition of land and lease of minor minerals which affect the day-to-day livelihood options of tribals, importance of Gram Sabha is not given due importance. In major industries and projects, consent of Gram Sabhas are just presumed as a matter of routine rather than exception.

Considering the various criteria for functioning of GS like regular conduct of GS, participation of members, women's participation (only attendance), women's participation in decision-making, issues discussed on beneficiary identification & developmental work, issues on PESA subjects etc, village-wise score value was calculated by following Likert Scaling Technique with slight modification and classified into four groups (categories) by calculating Arithmetic mean (A.M) and Standard Deviation (S.D) of scores. Villages taken for FGDs (18 villages) are classified in order to **not functioning, functioning, functioning and partly positive, functioning and fully positive**. The mean of the score value is 4.25 and standard deviation 1.33 (see table 5.5).

Table 5.5

Functioning of gram sabha

Name of the villages	Name of the GP	Score
Tentulikhunti	Tentulikhunti	5
Kangra	Kangra	6
Malbeda	Singisari	4

Padiaguda	Burja	4
Megdega	Megdega	5
Rangaimunda	Tangarpalli	5
Haldikudar	Haldikudar	3.5
Goutamdihi	Lahunipada	4
Charipada	Khajuripada	4
Turumunda	Khajuripada	5
Sitikapati	Phiringia	5
Khajuriapada	Phiringia	5
Khajurigaon	Gochapada	0
Kaladi	Gudari	5.5
Damahuda	Damahuda	5
Haladibata	Saharpada	3.5
Baraguda	Banspal	3.5
Narasinghpur	Kadakala	3.5
		SD = 1.33 AM = 4.25 (SD+AM)= 5.58 (AM-SD)= 2.92

The functioning of GS is divided into 4 ratings as mentioned below:

1. Less than (A.M-S.D): less than 2.92 - **Not Functioning**
2. (A.M-S.D) to A.M: 2.92 to 4.25 - **Functioning**
3. A.M to (A.M+S.D): 4.25 to 5.58 - **Functioning & Partly Positive**
4. (A.M+S.D) above: 5.58 above - **Functioning & Fully Positive**

Functioning of Gram Sabha

Not Functioning Less Than 2.92(A.M - SD)	Functioning (AM-SD - AM) 2.92-4.25)	Functioning & Partly Positive(AM - AM +SD) (4.25 TO 5.58)	Functioning & Fully Positive (AM+SD & above) (5.58 & above)
Name of the village	Name of the village	Name of the village	Name of the village
Khajurigaon	Haladikudar Halidibata Baraguda Narasinghpur Galbeda Padiaguda Goutamdihi Charpada	Tentulikhunti Megdega Rangaimunda Turumunda Sitikapati Khajuriapada Kaladi Damahuda	Kangra

The above classification of functioning of GS into 4 ratings reveals that GS is not functioning in Khajurigaon village. The GS is functioning in Haladikudar, Halidibata, Baraguda, Narasinghpur, Malbeda, Padiaguda, Goutamdihi and Charpada. It is but functioning and partially positive in Tentulikhunti, Megdega, Rangaimunda, Turumunda, Sitikapati, Khajuriapada, Kaladi and Damahuda GS. The GS is functioning and fully positive in Kangra GP only. While interacting with the people of Khajurigaon village of Gochapada GP, it was alleged by people that hardly any Gram Sabha is conducted. But Palli Sabha was conducted 4/5 times during the last 5 years. Regarding Gram Sabha resolution and signature of the members, it was ascertained that people while coming to GP for PDS rice, their signatures are being collected from them. Panchayat office is not properly functioning.

Above all, people's planning at grass-root level is one of the main features of local governance system. People's participation in GS plays a crucial role in planning and decision-making process. Unless regular Gram Sabhas are convened with the active participation of the villagers, the objective of decentralized governance cannot be achieved. It has been experienced that participation as such is low and women's participation is much

lower than male participation. The present study tried to enquire about number of participation of people in scheduled areas and the reason for not participating in GS. Table 5.6 depicts data on number of participation in GS in the study GPs.

Table 5.6
Participation in Gram Sabha

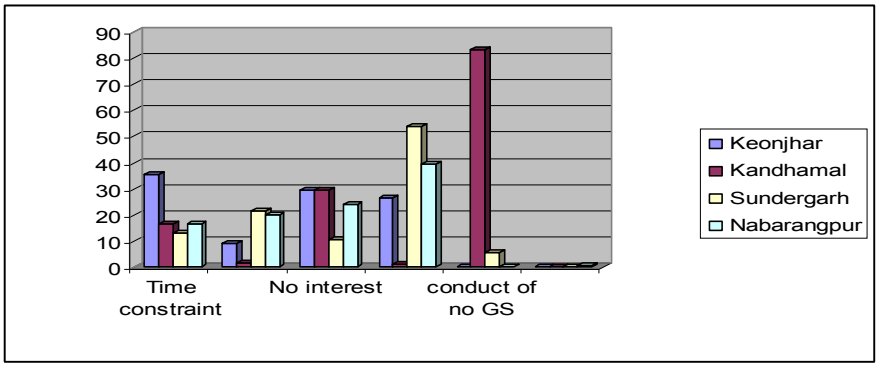
Name of the Dist	Name of the Block	Name of the GP	Number of Respondent	Number of Participation	No of respondents not participated in GS
Keonjhar	Saharapada	Saharapada	152 (100)	45 (29.60)	107 (70.40)
		Damahuda	46 (100)	17 (36.96)	29 (63.04)
	Bansapal	Bansapal	100 (100)	31 (31.00)	69 (69.00)
		Kadakala	116 (100)	33 (28.45)	83 (71.55)
		Sub-total	**414 (100)**	**126 (30.43)**	**288 (69.57)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	4 (7.84)	47 (92.16)
		Gudari	54 (100)	8 (14.81)	46 (85.19)
	Phiringia	Phiringia	93 (100)	17 (18.28)	76 (81.72)
		Guchapada	84 (100)	19 (22.62)	65 (77.38)
		Sub-total	**282 (100)**	**48 (17.02)**	**234 (82.98)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	17 (17.35)	81 (82.65)
		Haladikudar	76 (100)	26 (34.21)	50 (65.79)
	Tangarapali	Tangarapali	83 (100)	71 (85.54)	12 (14.46)
		Megeda	103 (100)	85 (82.52)	18 (17.48)
		Sub-total	**360 (100)**	**199 (55.28)**	**161 (44.72)**
Nabarangpur	Umorkote	Bruja	146 (100)	90 (61.64)	56 (38.36)
		Singisiri	194 (100)	148 (76.29)	46 (23.71)
	Tentulikhunti	Tentulikhunti	60 (100)	29 (48.33)	31 (51.67)
		Kangra	72 (100)	30 (41.67)	42 (58.33)
		Sub-total	**472 (100)**	**297 (62.92)**	**175 (37.08)**
Grand total			**1528 (100)**	**670 (43.85)**	**858 (56.15)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

It is revealed that among all the study districts, highest number of participation of people in GS is found in Nabarangpur district (62.9%) and lowest in Kandhamal district (17.02%). Similarly, when GP-wise participation in GS is examined, highest number of people of Tangarpalli GP (85.5%) participated in GS meetings and lowest in Khajuripada GP (7.8%). The respondents were interrogated about the reasons for not participating in GS and it was found that due to time constraint, some people are not able to attend GS meetings, some with the attitude that since they are not getting any benefit (not beneficiary under any scheme) there is no point in attending GS meetings. Rather it is a wastage of time. It is also observed that some people have no interest at all in attending meeting of GS. In some cases, GS members have no information about convening or conduct of GS. Even in some cases GS

meeting is not conducted at all. In some cases, respondents mentioned more than one reason (Table 5.7 in annexure-I) for not attending meeting of GS. Figure 5.1 shows various mentioned reasons for not attending GS in study districts.

Figure 5.1
Reasons for non-participation in GS



Among the districts, majority of people of Kandhamal district mentioned that GS is not conducted at all whereas some people of Sundergarh district alleged that they have not been informed about the GS meeting. Time constraint is mentioned as one of the main reasons for not participating in GS by the people of Keonjhar district. Participation rate may also be determined by number of BPL families, number of literates, number of head of the households belonging to the age group of 15-45 years which is estimated in the following regression model:

$Y=\alpha+ b1x1 + b2x2 + b3x3+u_i$
Y=Participation rate
x1=BPL Families
x2=Literacy rate
x3=HHH Age 15-45 Years

Regression Results

The descriptive table (table 5.8 indicated in annexure-II) of means and standard deviation indicates that out of total 1528 respondents of 16 GPs, about 40% participate in GS, 62% literates, 79% are BPL families and 54% participants belong to the age group of 15-45 years. It is revealed in correlation matrix (table 5.9 indicated in annexure-II) that correlation between participation and BPL Families is negative (-0.60) which implies that if number of BPL families increases, participation in GS decreases and vice-versa. The correlation between participation and literacy is negative (-0.27) indicate that when literacy rate increases, participation number in GS decreases and vice-versa. But the correlation between participation and age group (15-45 years) is positive (0.41).It shows that participation increases with the increase in proportion of GS members between 15-45 years and vice-versa.

Following table shows regression results

Independent Variables	Co-efficient of Regression (beta)	Standard Error	Other Results
BPL Families	-0.65	0.38	R SQUARE=0.40
Literacy	0.23	0.57	ADJUSTED R
Age Group-15-45	0.17	0.48	SQURE=0.25
			F=2.66

The result indicates that since adjusted R square is 0.25, our model accounts for 25% and the model is not a very good model. Correlation between the variables is significant except the correlation between participation and BPL families.

Gram Sabha and Women's Participation

The enactment of the 73rd amendment to the Indian Constitution has guaranteed reservation of one-third of seats for women in the PR system. This amendment has provided an institutional space for women's empowerment at least at the grass root level. Such a provision creates a scope for the women in decision-making and planning. But in reality, when it was enquired, women's participation in the Panchayat system was reportedly disheartening. This is due to the male dominance that always tries to influence the female members. Women show less interest as the system doesn't address their issues and the male behaviour is discouraging. This, they say, happens at all levels of the Panchayati system (PS, GS, Panchayat office and Samiti office). Again, illiteracy and ignorance have only added to this situation. The 73rd and 74th amendments as well as PESA Act have only created a space for women's participation. An Act, by itself, alone cannot address the ground level realities nor can it ensure the participation of women. While interacting with people of Haladikudar GP of Sundergarh district, it was reported that if any woman raises voice in GS meeting, she would be beaten up by her counterpart. So out of fear, women of Haladikudar do not participate in decision making process. During conduct of FGD in Baraguda village of Banspal GP, male persons were reportedly alleged to be sitting quite a distant apart from female persons. When enquired about this, it was made known that it is the kind of honour that should be given to their male relatives. It is a matter of concern that where female members are restricted even to sit in front of/by the side of their male relatives, it is not expected to think that they should be raising their voice or participate in decision-making. In case of Kangra GP of Nabarangpur district, women participate more in number than male members. But they do not take part in decision-making. They participate mostly in the meetings where the GS/PS prepares the list of beneficiaries of various government schemes. On the other hand, they are ignored/not invited to the meetings where the villagers discuss on some important issues of the locality. They are considered to be the beneficiaries but are incapable of delivering on issues of livelihood. Apart from this, they are rarely informed about the timing and agenda of meetings of GS/PS. It was also reported that most of the meetings are organised during the working hours of women. Thus, they are not able to free themselves from their work to attend the meetings and do not intend to forgo a day's earning in lieu of attending a meeting of GS/Ps. On the whole, it is emerged that women's participation in the Gram Sabha is insignificant in number and women related issues are hardly discussed there due to lack of awareness.

Gram Sabha and Social Audit

Social Audit is a scrutiny and analysis of working of a public utility vis-a-vis its social relevance from the perspective of the vast majority of the people in the society in whose name and for whose cause the very institutional system is promoted and legitimized. In the present context, social audit means an independent evaluation of the performance and functioning of Panchayats by the people. Right to Information also leads to public scrutiny of records of works etc and opens up many activities and schemes of departments of rural development and Panchayat Raj to public eye. As more and more information becomes open to public, the idea of social audit spreads and enables the grassroots democracy to function effectively.

The Gram Sabha at the grassroots level deserves to be treated as the best social audit unit in our new democratic set-up. All members of the Gram Sabha and all sections of people in rural areas comprising of a Panchayat, through their representatives, could raise issues of social concern and public interest and demand explanation and accountability on such issues. But a lot more still needs to be done to make the institution of Gram Sabha the best forum of social audit. It may be emphasized that vesting of powers to the Gram Sabha would be inadequate unless the individual members are awakened and educated to realize their own newly acquired status to question the Panchayat functionaries including the Panchayat Secretary about any issue relating to social and economic development. To sum up, the threatening hydra of ignorance about the rights and duties has to be fought in its own den by giving better exposures to the ordinary members of the Gram Sabha. Finally it would be in the fitness of things to state that PESA, 1996 may be regarded as a first phase of the long journey ahead to usher in the era of Gram Swaraj of Gandhian vision. The object of social audit is to provide opportunity of participation in decision making process to members of Gram Sabha and keep them informed about the income, expenditure, annual action plan and its implementation, audit etc. Normally matters like annual accounts of income and expenditure, audit report, village development plan and the schemes, selection of beneficiaries for different schemes, details of expenditure on construction works etc. are supposed to be placed in Gram Sabha meetings for its approval.

Regarding conduct of social audit in the study blocks, both officials and non-officials were interviewed .It was reported by executive officers and Sarpanches of Gram Panchayats in Nabarangpur district that social audit is conducted two times in a year. The date of meeting is intimated by concerned block BDO in a common letter to all GPs indicating the date, place, name of NGO fifteen (15) days before the meeting. It is also published in news papers much before. The social audit meeting in GS is presided over by the Sarapanch. The designated officers are EO, PEO, GRS, JE, WEO, ABDO, APO, vigilance committee members. The name of the NGO is selected at block level. While enquiring about discussion held in the social audit camps, it was reported that discussion on implementation, execution, utilization of funds etc of NREGS takes place. No other schemes are discussed. In Keonjhar district, the letter is communicated 7 days before the conduct of social audit. Except NREGS, no other schemes are discussed. But in Sundergarh district, it was found slightly different. As mentioned by EO of Megdega GP of Tangarpalli block, the social audit process takes two days. First day is devoted to field verification and on the second day, social audit is conducted in the GS. The designated NGO (SEWAK for Megdega GP) along with GP functionaries, vigilance committee members, ABDO, APO visit the project areas (4 projects), verify muster roll, job card etc. On the second day, problems in the implementation of the scheme are discussed. About the complaints received by the GS members it was reported that (i) wage payment is delayed every time (ii) job card is not received. The functionaries attributed that (i) wage payment is delayed due to postal problem (ii) Job cards were issued but the members lost the cards and also claiming that they had not received cards. They go for duplicate cards. In Kandhamal district, the letter regarding conduct of social audit is issued by the concerned block BDO to all the GPs mentioning, name of NGO 15 days in advance. It is also published in news papers. Social audit is done in one day. On the whole, it was observed that discussion in social audit enhanced people's empowerment. As a result of this, functionaries have a fear in their mind that they are accountable to people. So in the process, both issues of accountability and transparency are addressed.

Chapter-VI

Working of PESA Act in Study Areas - A Situational Analysis

The present study tries to examine working of PESA Act in empowering GS with regard to (i) control over money-lending, (ii) matters of prohibition or regulation or restriction of the sale and consumption of intoxicants (iii) ownership of minor forest produce (MFP), (iv) land transfer, land acquisition and resettlement (v) lease of minor minerals, (vi) control over minor water bodies (vii) regulation of village market. These issues were approached by administering household questionnaire, conducting FGDs, interviewing PRI functionaries including both officials and non-officials and through field observation.

Money Lending

The Odisha (Scheduled Areas) Money Lenders' Regulation 1967 has been amended by the Odisha (Scheduled Areas) Money-Lenders (Amendment) Regulation, 2000 (Regulation 1 of 2001). As per amended regulation, no money- lender shall advance loan to any person belonging to a scheduled tribe, except on the prior recommendation there of the concerned Gram Panchayat accorded with the concurrence of the Gram Sasan. A money-lender, before advancing a loan to any person belonging to a scheduled tribe, shall send the proposal there for to the concerned Gram Panchayat for its recommendation which shall be communicated by it within a period of 45 days from the date of receipt of such proposal. If the Gram Panchayat fails to communicate its recommendations or refusal within the aforesaid period, it shall be deemed that the Gram Panchayat has accorded recommendation. If it refuses to accord required recommendation, it shall communicate the reasons there for in writing, to the money-lender (Section 7-A). Another important feature of this amended regulation is that if any debtor belonging to any scheduled tribe is not satisfied about the correctness of the entries made in the statement of accounts delivered to him or the passbook supplied to him by the money-lender containing up to-date account of the transaction with him, he may bring to the notice of the concerned Gram Panchayat in writing the correctness of such entries. The Gram Panchayat may make an inquiry into the correctness of such entries and if satisfied that the money-lender has charged or recovered from the debt any excess amount of principal or interest thereon or both, it may direct the licensing authority for appropriate action under law (Section-9).

Table 6.1 (mentioned in annexure-I) depicts data on people depending on external sources to meet extra expenses. Overall, 80.43% depend on outside sources to meet extra expenses. Number of people depending on external sources is the highest in Sundergarh district (95.5%) and lowest (74.49%) in Keonjhar district. Among the GPs covered under the study, the highest number of people of Tangarpalli GP (98.8%) depend on others and lowest in Burja (60.27%) and Saharpada (60.53%) GP. It is revealed that people depend for loan on different sources like bank, SHG, money-lenders, friends & relatives. Overall data shows that highest number of people (81.5%) depend on friends and relatives. People depending on bank loan is found to be maximum (10.39%) in Nabarangpur district and less dependence on bank loans is reported in Kandhamal district (0.45%). The highest dependence on bank loan is revealed in Burja GP (32.95%) (table-6.2). Out of 16 GPs, 8 GPs (Damahuda, Khajuriapada, Gudari,

Gochapada, Lahunipada, Tangarpalli, Tentulikhunti and Kongra) are not depending on bank loan at all.

As regards dependence on SHG loan, it was found to be maximum in Sundergarh district (21.51%) followed by Keonjhar district (21.43%). Among the GPs covered under study, highest dependence on SHG loan (30%) is found in Damahuda and Kadakala GPs of Keonjhar district. People mostly depend on friends and relatives on verbal understanding. No interest is paid for the principal money. Among the study districts, the highest number of people of Kandhamal district (98.64%) meet their extra expenses by borrowing from their friends and relatives. GP-wise data reveals that 100 percent people of Khajuripada and Gudari GP of Kandhamal district depend only on friends and relatives. Among the GPs, the highest number of people of Singisari GP (88.89%) of Umerkote block depend on friends and relatives. Illegal money lending with exorbitant interest rate is prevailing in some study areas. This is found to be maximum (10.39%) in Nabarangpur district. About 21.59% people of Burja GP of Nawarangpur district and Megdega GP of Sundergarh district (20.28) depend on money-lending (Table 6.2). It was enquired as to how many of the loanees pay interest for the loan, say bank loan or SHG loan and how many of them secure loan by verbal understanding without paying any interest.

Table 6.2

Sources of meeting extra expenses

Name of the Dist	Name of the Block	Name of the GP	No of HHs depending on others to meet extra expenses	Sources				
				Bank	SHG	Money lender	Relatives/ Friends	Others
Keonjhar	Saharapada	Saharapada	92 (100)	1 (1.09)	11 (11.96)	0	80 (86.95)	0
		Damahuda	20 (100)	0	6 (30.00)	1 (5.00)	13 (65.00)	0
	Bansapal	Bansapal	92 (100)	1 (1.09)	18 (19.56)	13 (14.13)	65 (70.65)	2 (2.17)
		Kadakala	104 (100)	2 (1.92)	31 (29.81)	0	72 (69.23)	0
		Sub-total	**308 (100)**	**4 (1.29)**	**66 (21.43)**	**14 (4.54)**	**230 (74.67)**	**2 (0.65)**
Kandhamal	Khajuriapada	Khajuriapada	42 (100)	0	0	0	42 (100)	0
		Gudari	35 (100)	0	0	0	35 (100)	0
	Phiringia	Phiringia	91 (100)	1 (1.09)	1 (1.09)	1 (1.09)	89 (97.80)	1 (1.09)
		Guchapada	53 (100)	0	0	1 (1.87)	52 (98.13)	0
		Sub-total	**221 (100)**	**1 (0.45)**	**1 (0.45)**	**2 (0.90)**	**218 (98.64)**	**1 (0.45)**
Sundergarh	Lahunipada	Lahunipada	91 (100)	0	13 (14.28)	0	85 (93.41)	0
		Haladikudar	72 (100)	11 (15.28)	11 (15.28)	3 (4.17)	49 (68.05)	0
	Tangarapali	Tangarapali	82 (100)	0	22 (26.83)	10 (12.19)	55 (67.07)	0
		Megeda	99 (100)	1 (1.01)	28 (28.28)	20 (20.28)	98 (98.98)	0
		Sub-total	**344 (100)**	**12 (3.49)**	**74 (21.51)**	**33 (9.59)**	**287 (83.43)**	**0**
Nabarangpur	Umorkote	Bruja	88 (100)	29 (32.95)	3 (3.41)	19 (21.59)	38 (43.18)	0
		Singisiri	153 (100)	8 (5.23)	0	9 (5.88)	136 (88.89)	0
	Tentulikhunti	Tentulikhunti	52 (100)	0	9 (17.31)	9 (17.31)	32 (61.54)	2 (3.85)

		Kangra	63 (100)	0	5 (7.94)	0	61 (96.82)	0
		Sub-total	**356 (100)**	**37 (10.39)**	**17 (4.77)**	**37 (10.39)**	**267 (75.00)**	**2 (0.56)**
Total			**1229 (100)**	**54 (4.39)**	**158 (12.85)**	**86 (6.99)**	**1002 (81.53)**	**5 (0.41)**

N.B: HHs answered more than one answer
Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

During conduct of FGD, it was found that as per money lending rules, there is no license holding money lender. But illegal money-lending is prevailing in 6 villages (33.3%) out of 18 villages where FGDs were conducted. Loaning on verbal understanding prevails in all the select villages. People depending on SHG loan were found in 15 villages (83.3%). It was also noticed that people depend on financial institutions in 7 villages (38.9%). Under the provision of money-lending rule and the role of GP there in, working of PESA under this subject was assessed through score value. The following criteria such as (i) existence of professional money- lenders (ii) money-lenders having licenses, (iii) maintenance of money-lending accounts at Panchayat (iv) absence of illegal money-lending was followed. The value was calculated. Village classification on the basis of degree of functioning of money-lending business under PESA is estimated following Likert Scaling Technique (LST) with slight modification and classified into four groups (categories) by calculating Arithmetic mean (A.M) and Standard Deviation (S.D) of scores. Villages taken for FGDs (18 villages) are classified into **(i) not functioning[6], (ii) functioning[7], (iii) functioning and partly positive[8] and (iv) functioning and fully positive[9]**. The mean of the score value is 0.42 and standard deviation 0.60 (see table 6.3).

Table 6.3
Functioning of money lending business

Name of the village	Score secured	Name of the village	Score secured
Tentulikhunti	0.5	Turumunda	1
Kangra	1	Sitikapati	0.5
Malbeda	(-1)	Khajuriapada	1
Padiaguda	0.5	Khajurigaon	1
Megdega	0.5	Kaladi	0
Rangaimunda	0.5	Damahuda	0.5
Haldikudar	(-1)	Haladibata	1
Goutamdihi	0	Baraguda	0.5
Charipada	0.5	Narasinghpur	0.5
SD = 0.60, AM = 0.42, (SD+AM) = 1.02, (AM- SD) = (-0.18)			

The functioning of money lending business is divided into 4 ratings as mentioned below in chart:

The classification chart shows the degree of functioning of money lending business in 18 villages (FGDs).As per scaling technique, money lending business under PESA is not operational in Malbeda and Haladikudar villages.it is functioning in Goutamdihi and Kaladi villages. It is functioning and partially positive in Tentulikhunti, Kangra, Padiaguda, Megdega, Rangaimunda, Charipada, Turumunda, Sitikapati, Khajuriapada, Khajurigaon,

[6] *Not functioning – No criteria is fulfilled.*
[7] *Functioning – Working of any one of the criteria (either positive or negative)*
[8] *Functioning and partially positive – Working of some criteria as mentioned in the Act*
[9] *Functioning and fully positive – Working of all criteria as mentioned in the Act.*

Damahuda, Halidibata, Baraguda and Narasinghpur GPs but in no villages, money lending business is found operating and fully positive.

Functioning of money lending business

Not Functioning Less Than (-0.18) (A.M - SD)	Functioning (Am-Sd to AM) [(-0.18) TO 0.42]	Functioning And Partially Positive (AM to AM +SD) (0.42 to 1.02)	Functioning And Fully Positive (AM+SD and Above 1.02 and Above)
Name of the village	Name of the village	Name of the village	Name of the village
Malbeda Haladikudar	Goutamdihi Kaladi	Tentulikhunti Kangra Padiaguda Megdega Rangaimunda Charipada Turumunda Sitikapati Khajuriapada Khajurigaon Damahuda Halidibata Baraguda Narasinghpur	----------

The study reveals that the impact of money-lending by licensed money-lenders under the money-lending Regulations is now minimal due to induction and entry of micro-finance institutions and functioning of SHGs. However, personal loaning is still in force.

Consumption of Intoxicants

The Bihar-Odisha Excise Act 1915 has been amended in 1999 (Act 2 of 1999). As per the amended provision, no license could be granted in the scheduled areas for manufacture, possession or sale, or any exclusive privilege for manufacture or sale, of any intoxicant, except with the prior approval of the concerned Gram Panchayat accorded with the concurrence of the Gram Sasan. The authority granting license for the above purpose shall refer every proposal to the concerned Gram Panchayat for its decision within a period of 30 days from the date of receipt of such reference. If the Gram Panchayat fails to communicate its decision within the period of 30 days, it shall be deemed that the concerned Gram Panchayat has accorded the required approval.

Consumption of liquor is the custom and tradition of tribal people. In the present study, it was seen that overall, 1108 (72.25%) persons consume liquor. Out of total 1108 liquor consumers, 32.88% prepare liquor on their own, 31.43% depend on local liquor shop, 28.08% buy from local vendors and 10% depend on outside GP area. District data reveals that among all, the highest number of consumers (48.79%) is found preparing liquor on their own for consumption in Keonjhar district. About 39% depending on liquor shop is found in Kandhamal district. Likewise, among the study GPs, maximum people in Kadakala GP of Keonjhar district (75.65%) are found preparing liquor for their own consumption. Almost 100% people of Lahunipada GP depend on local liquor shop (table 6.4).

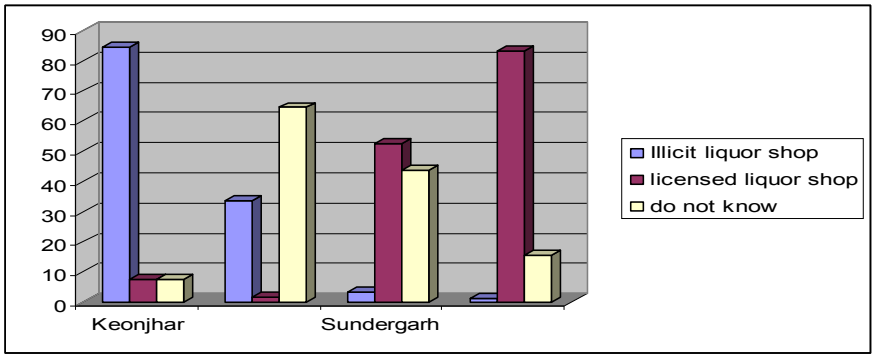
Table 6.4
Consumption of intoxicants

Name of the Dist	Name of the Block	Name of the GP	Number of respondents	No of intoxicants consumers	Getting liquor				
					Own manufacturing	Local liquor shop	Local liquor vender	Outside GP area	Any other places
Keonjhar	Saharapada	Saharapada	152 (100)	117 (76.97)	52 (44.44)	4 (3.42)	61 (52.14)	0	0
		Damahuda	46 (100)	37 (80.43)	2 (5.40)	0	34 (91.89)	0	1 (2.71)
	Bansapal	Bansapal	100 (100)	85 (85.00)	61 (71.76)	34 (40.00)	15 (17.64)	2 (2.35)	1 (1.18)
		Kadakala	116 (100)	115 (99.14)	87 (75.65)	1 (0.87)	1 (0.87)	26 (22.61)	0
		Sub-total	**414 (100)**	**354 (85.51)**	**202 (48.79)**	**39 (9.42)**	**111 (26.81)**	**28 (6.76)**	**2 (0.48)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	44 (86.27)	11 (25.00)	24 (54.55)	0	4 (9.09)	5 (11.36)
		Gudari	54 (100)	40 (74.07)	3 (7.50)	33 (82.50)	1 (2.50)	3 (7.50)	0
	Phiringia	Phiringia	93 (100)	55 (59.14)	13 (23.64)	28 (50.90)	0	14 (25.45)	0
		Guchapada	84 (100)	43 (51.19)	13 (30.23)	25 (58.14)	3 (6.98)	2 (4.65)	0
		Sub-total	**282 (100)**	**182 (64.54)**	**40 (14.18)**	**110 (39.00)**	**4 (1.42)**	**23 (8.15)**	**5 (1.77)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	60 (61.22)	0	60 (100)	0	0	0
		Haladikudar	76 (100)	8 (10.53)	1 (12.50)	1 (12.50)	0	6 (75.00)	0
	Tangarapali	Tangarapali	83 (100)	64 (77.11)	25 (39.06)	28 (43.75)	4 (6.25)	5 (7.81)	4 (6.25)
		Megeda	103 (100)	81 (78.64)	60 (74.07)	25 (30.86)	0	9 (11.11)	1 (1.23)
		Sub-total	**360 (100)**	**213 (59.17)**	**86 (23.89)**	**114 (31.67)**	**4 (1.11)**	**20 (5.5)**	**5 (1.39)**
Nabarangpur	Umorkote	Bruja	146 (100)	111 (76.03)	14 (12.61)	3 (2.70)	84 75.68)	15 (13.51)	0
		Singisiri	194 (100)	157 (80.93)	19 (12.10)	58 (36.94)	80 (50.95)	0	0
	Tentulikhunti	Tentulikhunti	60 (100)	40 (66.67)	0	23 (57.50)	9 (22.50)	8 (20.00)	0
		Kangra	72 (100)	47 (65.28)	2 (4.25)	0	28 (59.57)	17 (36.17)	0
		Sub-total	**472 (100)**	**355 (75.21)**	**35 (7.41)**	**84 (17.79)**	**201 (42.58)**	**40 (8.47)**	**0**
Total			**1528 (100)**	**1104 (72.25)**	**363 (32.88)**	**347 (31.43)**	**320 (28.08)**	**111 (10.05)**	**12 (1.09)**

N.B: HHs answered more than one answer
Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

It was enquired from people depending on local liquor shop (347Nos), as to whether the shop is licensed or unlicensed/unauthorized. It was reported (as indicated in Table 6.5 in annexure-I), that 21.61% people got liquor from licensed shops, 38.9% from unlicensed and 39.48% people did not mention the sources from which they brought liquor (Figure 6.1) Maximum number of licensed liquor shop is found in Nabarangpur district (83.33%) followed by Sundergarh district (52.63%). Similarly, maximum unlicensed liquor shops are found in Keonjhar district (84.62%) followed by Kandhamal district (33.64%).

Figure 6.1
Nature of local liquor shop



During interaction with people during conduct of FGD, it was ascertained that the reason for having no licensed liquor shop might be due to (i) no one applied for issue of license in those GPs (ii) GS members did not agree to open liquor shop. In the present study, out of total FGD conducted in 18 villages, 11 villages reported that the concerned GP received application through Excise Department forwarded by respective collectors. But only 3 (27.3%) villages reported that GS meeting was conducted in order to take opinion from people regarding opening of liquor shop in the respective GP area. In 2 villages of concerned GPs (66.7%) people's opinion with regard to opening of liquor shop was reportedly acted upon.

Different criteria like (i) licensed liquor shop, (ii) GS meeting called for consideration of opening of liquor shop, (iii) opinion of people if considered, (iv) people's opinion if confirmed, (v) awareness about PESA etc. were taken to assess the village wise score values (table 6.6). Village classification on the basis of degree of enforcement of regulation on consumption of intoxicants under PESA is estimated following same Likert Scaling Technique (LST).

Table 6.6
Regulation on consumption of intoxicants

Name of the village	Score Secured	Name of the village	Score Secured
Tentulikhunti	3.5	Turumunda	3
Kangra	0	Sitikapati	0
Malbeda	1	Khajuriapada	3
Padiaguda	0	Khajurigaon	0
Megdega	5	Kaladi	0
Rangaimunda	2.5	Damahuda	3
Haldikudar	5	Haladibata	1
Goutamdihi	1	Baraguda	2
Charipada	0	Narasinghpur	2
SD = 1.70, AM = 1.77, (SD+AM)= 3.47, (AM – SD) = 0.07			

The functioning of regulation on consumption of intoxicants is divided into 4 ratings as mentioned below in chart. The classification chart shows the degree of functioning of regulation on consumption of intoxicants in 18 villages (FGDs).As per scaling technique, regulation on consumption of intoxicants under PESA is not functioning in Kangra, Padiaguda, Charipada, Sitikapati, Khajurigaon and Kaladi villages. It is functioning in Halidibata, Malbeda, Goutamdihi and partially positive in Rangaimunda, Turumunda, Khajuriapada, Damahuda, Baraguda, Narasinghpur and Tentulikhunti villages. In Megdega,

Haladikudar, regulation on consumption of intoxicants is found to be implemented and fully positive.

Regulation on Consumption of Intoxicants

Not Functioning Less Than 0.07(A.M - SD)	Functioning (AM-SD to AM) 0.07 TO 1.77)	Functioning and Partly Positive(AM to AM +SD) (1.77 TO 3.47)	Functioning and Fully Positive (AM+SD and Above 3.47 and Above)
Name of the village	**Name of the village**	**Name of the village**	**Name of the village**
Khajurigaon Kangra Padiaguda Charipada Sitikapati Kaladi	Halidibata Malbeda Goutamdihi	Tentulikhunti Rangaimunda Turumunda Khajuriapada Damahuda Baraguda Narasinghpur	Megdega Haladikudar

Minor Forest Produce

As per Odisha Gram Panchayat Minor Forest Produce Administration Rules, 2002, Panchayats are to regulate collection and trading of MFP vide Gazette Notification No. 2091, dated 15.11.2002. The GPs were given overall responsibility to regulate collection and sale of as many as 68 items of MFP. The main objectives behind making such legal provisions were to ensure a fair price to MFP collectors for their produce, develop a marketing network for trading in MFP items, regulate and control activities of traders in order to reduce monopoly of middle men in MFP trading and check exploitation. As per provisions of the rules (i) as many as 68 items of MFP have been notified as MFP for the purpose, (ii) ownership rights, procurements and trading of such MFP have been transferred to the GP (iii) the Panchayat Samiti shall have the power to fix the minimum procurement price of the MFP items for a particular trading year (October to September) (iv) The Sarapanch has the power to cancel registration of the traders in case they fail to pay the minimum procurement price to the primary collectors, and fail to register themselves in GP and to comply with the conditions of registration (v) Where Vana Sanrakhyan Samitis exist, they are to be given preference in the matter of collection and trading of MFP.

The following table 6.7 indicates the position of MFP in the study area GPs

Table 6.7
Collection of MFP and fixation of prices

Name of the dist	Name of the block	Name of the GP	Number of respondents	No of persons collecting MFP	Name of the products	Name of the party fixing the MFP price					
						Buyer	Seller	Mutual	Panchayat	Panchayat Samiti	Others
Keonjhar	Saharapada	Saharapada	152 (100)	67 (44.08)	Sala, Karanja, Tamarind	66 (98.51)	1 (1.49)	0	0	0	0
		Damahuda	46 (100)	46 (100)	Sala, Mahula	46 (100)	0	0	0	0	0
	Bansapal	Bansapal	100 (100)	62 (62.00)	Sala, Mahula	60 (96.77)	0	2 (3.23)	0	0	0
		Kadakala	116 (100)	116 (100)	Sala, Mahula	114 (98.27)	0	0	2 (1.73)	0	0
		Sub-total	**414 (100)**	**291 (79.08)**		**286 (98.28)**	**1 (0.34)**	**2 (0.69)**	**2 (0.69)**	**0**	**0**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	28 (51.85)	Mahula, Tamarind	26 (92.86)	1 (3.57)	1 (3.57)	0	0	0
		Gudari	54 (100)	30 (55.56)	Mahula	6 (20.00)	20 (66.67)	4 (13.33)	0	0	0

	Phiringia	Phiringia	93 (100)	93 (100)	Mahula, Tamarind	93 (100)	0	0	0	0	0
		Guchapada	84 (100)	72 (85.71)	Mahula, Tamarind	31 (43.05)	28 (38.89)	13 (18.06)	0	0	0
		Sub-total	**282 (100)**	**223 (100)**		**156 (69.95)**	**49 (21.97)**	**18 (8.07)**	**0**	**0**	**0**
Sundergarh	Lahunipada	Lahunipada	98 (100)	0		0	0	0	0	0	0
		Haladikudar	76 (100)	61 (80.26)		42 (68.85)	11 (18.03)	8 (13.12)	0	0	0
	Tangarapali	Tangarapali	83 (100)	81 (97.59)		12 (14.81)	29 (35.81)	40 (49.38)	0	0	0
		Megeda	103 (100)	100 (97.09)	Mahula, Tamarind	21 (21.00)	9 (9.00)	75 (75.00)	0	0	0
		Sub-total	**360 (100)**	**242 (67.22)**		**75 (30.99)**	**49 (20.25)**	**123 (50.82)**	**0**	**0**	**0**
Nabarangpur	Umorkote	Bruja	146 (100)	101 (69.18)	Mahula, Tamarind, Salamanji	93 (92.08)	6 (5.94)	1 (0.99)	0	0	1 (0.99)
		Singisiri	194 (100)	194 (100)	Mahula, Tamarind, Salamanji, Salap, Tola	194 (100)	0	0	0	0	0
	Tentulikhunti	Tentulikhunti	60 (100)	9 (15.00)		5 (55.56)	0	1 (11.11)	3 (3.33)	0	0
		Kangra	72 (100)	49 (68.05)	Mahula, Tamarind	49 (100)	0	0	0	0	0
		Sub-total	**472 (100)**	**353 (74.79)**		**341 (96.60)**	**6 (1.69)**	**2 (0.57)**	**3 (0.85)**	**0**	**1 (0.29)**
Total			**1528 (100)**	**1109 (72.58)**		**858 (77.37)**	**105 (9.47)**	**145 (13.07)**	**5 (0.45)**	**0**	**1 (0.09)**

N.B: HHs answered more than one answer
Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Collection of MFP is one of the main sources of livelihood of people in tribal areas. Table 6.7 reveals data on number of people collecting MFP, name of the produces and the agency fixing MFP price. Study indicated that out of total 1528 households, 72.58% depend on MFP collection as one the sources of their livelihood. Among the districts, the highest number of households in Kandhamal (79.08%) depend on MFP collection for their livelihood. Out of 16 select GPs, 100% households in 4 GPs (Damahuda, Kadakala, Phiringia, Singisari) depend on MFP collection as their main source of livelihood. Sal seeds, Karanja, Tamarind and Mahua are the main MFPs collected in Keonjhar district. Mahua, Turmeric and Tamarind in Kandhamal district, Mahua, Tamarind and Char seeds in Sundergarh district and Mahua, Tamarind, Sal seeds, Salapa and Tola are collected in Nabarangpur district. Regarding price fixation of MFPs, only 5 persons (0.45%) mentioned Gram Panchayat as the price determining agency. But 77.37% mentioned the buyers as price determinants, 9.47% said that sellers as the price determinants and 13.07% said price is determined by mutual bargaining between the sellers and buyers.

As per MFP rule, the intended trader has to register himself in the GP on payment of prescribed registration fee in respect of items of MFP he intends to procure/market. He has to file monthly/annual return of MFP to the GP. It was also enquired during conduct of FGD as to whether traders register in GPs to get license for trading with primary gatherers. It was found that only 3 GPs (3 villages), registration had been done. Regarding price fixation, prices of MFPs are fixed at Panchayat Samiti level as per MFP Rule. During the present study, it was seen that price list is available in 4 GPs only. In no other GP under which FGD was conducted, transaction is done as per price list given by the Panchayat Samiti.

Considering the conditions like (i) registration with Panchayat (ii) price list available with Panchayat (iii) transaction as per approved price list, and (iv) aware about PESA and MFP village-wise score values were calculated (table 6.8). Village classification on the basis of degree of functioning of ownership of MFP under PESA is estimated following Likert Scaling Technique (LST) with slight modification.

Table 6.8
Ownership of MFP

Name of the village	Score secured
Tentulikhunti	0
Kangra	0
Malbeda	2.5
Padiaguda	0
Megdega	2.5
Rangaimunda	0
Haldikudar	1.5
Goutamdihi	0
Charipada	0
Turumunda	3
Sitikapati	0
Khajuriapada	0
Khajurigaon	0
Kaladi	0
Damahuda	0.5
Haladibata	0
Baraguda	1
Narasinghpur	1
SD = 1.02,AM = 0.67, (SD+AM)=1.69, (AM–SD)=(-0.35)	

The functioning of ownership of MFP is divided into 4 ratings as mentioned below in chart:

Ownership of MFP

Not Functioning less than (-0.35) (A.M - SD)	Functioning (AM-SD to AM) [(-0.35)-0.67]	Functioning and Partly Positive (AM to AM +SD) (0.67 TO 1.69)	Functioning and Fully Positive (AM+SD and Above 1.69 and Above)
Name of the village	**Name of the village**	**Name of the village**	**Name of the village**
	Halidibata Padiaguda Goutamdihi Charipada Tentulikhunti Kangra Sitikapati Khajuriapada khajurigaon Kaladi Damahuda Rangaimunda	Haladikudar Baraguda Narasinghpur	Malbeda Megdega Turumunda

The classification chart shows the degree of functioning of ownership of MFP in 18 villages (FGDs).As per scaling technique, ownership of MFP under PESA is functioning in Halidibata, Padiaguda, Goutamdihi, Charipada, Tentulikhunti, Kangra, Sitikapati, Khajuriapada Khajurigaon, Kaladi, Damahuda, Rangaimunda villages, functioning and partially positive in Haladikudar, Baraguda, Narasinghpur villages and functioning and fully positive in Malbeda, Megdega, Turumunda villages.

Land Transfer

One of the main features of PESA is to prevent alienation of land and restore unlawfully alienated land of schedule tribes. Although Odisha Scheduled Area Transfer of Immovable Property (OSATIP), Regulation 2 of 1956 has been in force, it has come to the notice of the government that large-scale alienation of tribal land to non-tribals has been made in the scheduled areas of the state and as such, it had become a matter of great concern for the state Government as well as the Government of India. Keeping this in view, the said Regulation-2 of 1956 has been further amended to read as the Odisha Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Amendment Regulation of 2000, which was assented to by the President of India on the 20th August 2002 and was published in Odisha Gazette in from of notification on the 4th September 2002. The Regulation was made by the Governor of Odisha under sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India. The amendment emphasizes on the fact that such transfer of immovable properly shall take place among members of STs and not in favor of any non-ST person. Further, the total extent of land for such transfer was enhanced from minimum one acre to two acres in case of irrigated land and five acres for non-irrigated land. A non-tribal man married to a tribal woman shall not be eligible for transferring land under this clause. The amendment contains various executive instructions for effective implementation of the Regulation. As per the amended provisions of the said regulation, transfer/alienation of land of STs to persons not belonging to STs has been completely banned. Any such transfer shall be null and void if the same has been made without written permission of the competent authority. In case any transfer has been made in contravention to the provisions in the Regulation, the competent authority either suo-motu or on a petition filed on that behalf, shall declare such transfer as illegal and shall restore the land to the lawful land owner or his/ her heirs following the prescribed procedure. The regulation also provides for eviction of persons in forcible occupation of land belonging to members of STs and restoration thereof. The regulation provides for penal action in respect of illegal transfer as well as unauthorised occupation.

The implementation position of the amended Act was verified in the study area.Out of 1155 STs, 26(2.25%) transferred their land either through sale or mortgage. They were asked about the period of time when those were transferred i.e. before 1956, between 1956-2002 and after 2002.It is revealed from table 6.9 below that 23.08% transferred their lands before 1956, 1.55% between 1956-2002 and 0.17% ST households transferred after 2002.While enquiring about illegal transfers, it was found that out of 7 illegal transfers, 6 persons filed petition to Sub-collector concerned and only one person of Megdega GP (case study) got his land restored. During discussion with people in18 villages, transfer of land from tribal to non-tribal transfer is reported to have been stopped in all the 18 villages. But transfer of land by tribal to tribal as per conditional restriction is working in 3 villages (16.7%). No case of transfer between tribal and non-tribal on verbal understanding was reported. But transfer by tribal to tribal on verbal understanding is found in 15 villages (83.3%).

The position of land transfer in the studied villages is reflected in table 6.9 below:

Table 6.9
Land Transfer

Name of the District	Name of the Block	Name of the GP	Number of ST respondents	Whether any transfer		Period		
				Yes	No	Before-1956	1956-2002	After 2002
Keonjhar	Saharapada	Saharapada	139 (100)	0	139 (100)	0	0	0
		Damahuda	34 (100)	1 (2.94)	33 (97.06)	0	1 (100)	0
	Bansapal	Bansapal	82 (100)	11 (13.41)	71 (86.59)	6 (54.55)	5 (45.45)	0
		Kadakala	110 (100)	0	110 (100)	0	0	0
		Sub-total	**365 (100)**	**12 (3.29)**	**353 (96.71)**	**6 (50.00)**	**6 (50.00)**	**0**
Kandhamal	Khajuriapada	Khajuriapada	31 (100)	0	31 (100)	0	0	0
		Gudari	25 (100)	0	25 (100)	0	0	0
	Phiringia	Phiringia	58 (100)	0	58 (100)	0	0	0
		Guchapada	51 (100)	0	51 (100)	0	0	0
		Sub-total	**16 5(100)**	**0**	**165 (100)**	**0**	**0**	**0**
Sundergarh	Lahunipada	Lahunipada	40 (100)	5 (12.05)	35 (87.50)	0	5 (100)	0
		Haladikudar	76 (100)	0	76 (100)	0	0	0
	Tangarapali	Tangarapali	79 (100)	2 (2.53)	77 (97.47)	0	2 (100)	0
		Megeda	90 (100)	5 (5.56)	85 (94.44)	0	4 (80.00)	1 (20.00)
		Sub-total	**285 (100)**	**12 (4.21)**	**273 (95.79)**	**0**	**11 91.67)**	**1 (8.33)**
Nabarangpur	Umorkote	Bruja	79 (100)	2 (2.53)	77 (97.47)	0	1 (50.00)	1 (50.00)
		Singisiri	170 (100)	0	170 (100)	0	0	0
	Tentulikhunti	Tentulikhunti	43 (100)	0	43 (100)	0	0	0
		Kangra	48 (100)	0	48 (100)	0	0	0
		Sub-total	**340 (100)**	**2 (0.59)**	**338 (99.41)**	**0**	**1 (50.00)**	**1 (50.00)**
Total			**1155 (100)**	**26 (2.25)**	**1129 (97.75)**	**6 (23.08)**	**18 (1.55)**	**2 (0.17)**

Note: figure in the bracket indicates percentage to the total
Source: field survey 2012

Considering the conditions such as (i) transaction stopped between tribal to non-tribal (ii) conditional transaction between tribal to tribal (iii) aware about tribal to non-tribal transfer (iv) aware about tribal to tribal transfer, village wise score values were calculated (see table 6.10). Village classification on the basis of degree of functioning of land transfer under PESA is estimated following same Likert Scaling Technique (LST) with slight modification.

Table 6.10
Land Transfer

Name of the village	Score secured
Tentulikhunti	2
Kangra	2
Malbeda	1
Padiaguda	3
Megdega	1

Rangaimunda	1
Haldikudar	1
Goutamdihi	1
Charipada	2
Turumunda	2
Sitikapati	2
Khajuriapada	2
Khajurigaon	2
Kaladi	3
Damahuda	3
Haladibata	2
Baraguda	2
Narasinghpur	2
SD = 0.67, AM = 1.89, (SD+AM)= 2.56, (AM- SD) = 1.22	

The functioning of land transfer is divided into 4 ratings as mentioned below and the status is indicated below in chart:

Land Transfer

Not Functioning less than 1.22(A.M - SD)	Functioning (AM-SD to AM) 1.22 TO 1.89)	Functioning and Partly Positive (AM TO AM +SD) (1.89 TO 2.56)	Functioning and Fully Positive (AM+SD and Above 2.56 and Above)
Name of the village	**Name of the village**	**Name of the village**	**Name of the village**
Malbeda Megdega Rangaimunda haladikudar goutamdihi	------	Tentulikhunti Kangra Charipada Turumunda Sitikapati Khajuriapada Khajurigaon Halidibata Baraguda Narasinghpur	Padiaguda Kaladi Damahuda

The classification chart shows the degree of functioning of land transfer under PESA in 18 villages (FGDs). As per scaling technique, land transfer under PESA is not functioning in Malbeda, Megdega, Rangaimunda, Haladikudar and Goutamdihi villages. It is functioning and is partly positive in Tentulikhunti, Kangra, Charipada, Turumunda, Sitikapati, Khajuriapada, Khajurigaon, Halidibata, Baraguda and Narasinghpur villages. Land transfer under PESA is functioning and fully positive in Padiaguda, Kaladi and Damahuda villages.

Regulation of Village Market

Section 4(M) (iii) of PESA Act, 1996 envisages that the Panchayats at appropriate level and the Gram Sabha will be endowed with the power to manage markets by whatever names called. The management of village markets is an important task assigned to the Panchayati Raj Institutions under PESA. Village market normally exists in every GP. It is revealed in the present study that market is regulated either by Panchayat directly or by Panchayats through auction or by cooperative society or by RMC.

Table 6.11
Regulation of village market

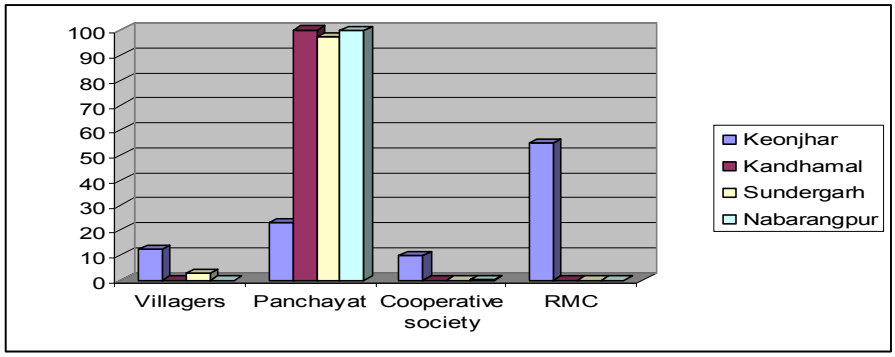
Name of the District	Name of the Block	Name of the GP	Number of respondents	Village market exists		Regulated by the agency			
				Yes	No	Villagers	Panchayat	Co-operative society	Other (RMC)
Keonjhar	Saharapada	Saharapada	152 (100)	12 (7.89)	140 (92.11)	0	0	12 (100)	0
		Damahuda	46 (100)	15 (32.60)	31 (67.40)	15 (100)	0	0	0
	Bansapal	Bansapal	100 (100)	67 (67.00)	33 (33.00)	0	0	0	67 (100)
		Kadakala	116 (100)	28 (24.14)	88 (75.86)	0	28 (100)	0	0
		Sub-total	**414 (100)**	**122 (29.47)**	**292 (70.53)**	**15 (12.29)**	**28 (22.95)**	**12 (9.85)**	**67 (54.91)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	0	51 (100)	0		0	0
		Gudari	54 (100)	0	54 (100)	0	0	0	0
	Phiringia	Phiringia	93 (100)	93 (100)	0	0	93 (100)	0	0
		Guchapada	84 (100)	31 (36.90)	53 (63.10)	0	31 (100)	0	0
		Sub-total	**282 (100)**	**124 (43.97)**	**158 (56.03)**	**0**	**124 (100)**	**0**	**0**
Sundergarh	Lahunipada	Lahunipada	98 (100)	12 (12.24)	86 (87.76)	0	12 (100)	0	0
		Haladikudar	76 (100)	0	76 (100)	0	0	0	0
	Tangarapali	Tangarapali	83 (100)	80 (96.38)	3 (3.62)	4 (5.00)	76 (95)	0	0
		Megeda	103 (100)	103 (100)	0	1 (0.97)	102 (99.03)	0	0
		Sub-total	**360 (100)**	**195 (54.17)**	**165 (45.83)**	**5 (2.56)**	**190 (97.44)**	**0**	**0**
Nabarangpur	Umorkote	Bruja	146 (100)	146 (100)	0	0	146 (100)	0	0
		Singisiri	194 (100)	194 (100)	0	0	194 (100)	0	0
	Tentulikhunti	Tentulikhunti	60 (100)	33 (55.00)	27 (45.00)	0	32 (96.97)	1 (3.03)	0
		Kangra	72 (100)	0	72 (100)	0	0	0	0
		Sub-total	**472 (100)**	**373 (79.02)**	**99 (20.98)**	**0**	**372 (99.73)**	**1 (0.27)**	**0**
Total			**1528 (100)**	**814 (53.27)**	**714 (46.73)**	**20 (2.46)**	**714 (87.71)**	**13 (1.60)**	**67 (8.23)**

Note: figure in the bracket indicates percentage to the total
Source: field survey 2012

As indicated in Table 6.11, out of total 1528 households, 53.27% reported that market exists in their respective villages. The rest 46.73% respondents mentioned that they have no village market in their respective villages. It implies that market may exist in other villages of corresponding GPs or does not exist at all. Majority of respondents (87.7%) said market is regulated by Panchayat either directly or through auction. Figure 6.2 shows district-wise figure on the agencies that regulate village market. In all the districts except Keonjhar district, market is mostly regulated by the Gram Panchayat.

During FGD, it was reported that out of 18 villages, 15 villages (83.3%) have weekly markets. It was enquired whether market is regulated by Panchayat or any other agency. It is found that market is regulated by Gram Panchayat directly in 4 GPs (22.2%), through auction in 9 GPs (50%), RMC in 1 GP (5.5%) and in one GP (5.5%) open market functioning.

Figure 6.2
District wise regulation of village market



Considering the criteria that (i) Panchayat controls directly (ii) Panchayat controls through auction (iii) Panchayat collects tax from vendors (iv) People are aware about regulation of village market under PESA, village-wise score values were calculated (table 6.12). Village classification on the basis of degree of functioning of regulation of village market under PESA is estimated following above mentioned scaling technique.

Table 6.12
Village Market

Name of the village	Score secured
Tentulikhunti	3
Kangra	0
Malbeda	1
Padiaguda	0
Megdega	3
Rangaimunda	3
Haldikudar	3
Goutamdihi	3
Charipada	3
Turumunda	3
Sitikapati	3
Khajuriapada	3
Khajurigaon	3
Kaladi	0
Damahuda	3
Haladibata	0
Baraguda	3
Narasinghpur	3
SD = 1.31, AM = 2.22, (SD+AM) = 3.53, (AM - SD) = 0.91	

The functioning of village market is divided into 4 ratings as mentioned below in chart:

Village Market

Not Functioning less than 0.91(A.M - SD)	Functioning (AM-SD to AM) 0.91-2.22)	Functioning and Partly Positive (AM to AM +SD) (2.22 to 3.53)	Functioning and Fully Positive (AM+SD and Above 3.53 and Above)
Name of the village	**Name of the village**	**Name of the village**	**Name of the village**
Khajurigaon kangra padiaguda kaladi halidibata	Malbeda	Tentulikhunti Megdega Rangaimunda Turumunda Sitikapati	

		Khajuriapada Damahuda Haladikudar Baraguda Narasinghpur Goutamdihi Charipada	

The classification chart shows the degree of functioning of regulation of village market under PESA in 18 villages (FGDs).As per scaling technique, regulation of village market under PESA is not enforced in Khajurigaon, Kangra, Padiaguda, Kaladi and Haladibata villages. It is functioning in Malbeda village.

In Tentulikhunti, Megdega, Rangaimunda, Turumunda, Sitikapati, Khajuripada, Damahuda, Haladikudar, Baraguda, Narasinghpur, Goutamdihi, Charipada villages, it is functioning and partly positive but in no study villages, regulation of village market under PESA is affected and is fully positive.

Land acquisition, leasing out of minor minerals and maintenance of minor water bodies
As per amendments made to Odisha Panchayat laws to bring in conformity with the PESA Act, 1996 in Odisha, the power of giving consent or prior consultation with Panchayat bodies in matters relating to land acquisition, leasing of minor minerals and leasing out of minor water bodies has been vested with the Zilla Parisads. During the study, no case of land acquisition, leasing out of minor minerals and minor water bodies was reported from the study villages.

Chapter-VII

Impact of PESA Act & its Critical Gaps in the Implementation Process in respect of Subjects over which Panchayats Enforce Control under PESA Act

Implementation of PESA Act over the last fifteen years has reflected on several issues which need to be addressed by the central and state governments. Although the Panchayats in scheduled areas shall have all the basic features of part IX of the constitution (73rd Amendment), under the Extension Act, 1996 the mandatory provisions seem to be general. By virtue of provisions under 73rd constitutional amendment, powers and functions of Gram Sabha are left to the discretion of state governments (Art 243A).

In spite of enactment of several self-rule legislations exclusively PESA Act, the interest of tribals continues to be neglected due to certain gaps in the Act. PESA Act has a main objective of empowering GS with regard to (i) control over money-lending, (ii) matters of prohibition or regulation or restriction of the sale and consumption of intoxicants (iii) ownership of minor forest produce (MFP) (iv) land transfer (v) land acquisition (vi) lease of minor minerals (vii) regulation of village market. Above all, Gram Sabha plays a vital role in functioning of the subjects under PESA Act.

The present study tried to assess the impact of the Act and locate its gaps in each of its subjects. The status and gaps in the implementation of PESA Act emerged from FGD and stakeholders' opinion as mentioned below:

1. Gram Sabha and People's Participation

Conduct of Gram Sabha

As reported by villagers during the study GPs, except Khajurigaon village under Gochapada GP, Gram Sabha is conducted regularly at least two to three times in a year although the prescribed limit is four times in a year by Government. In fact, there is no restriction on the number of meetings over and above the limit of four times a year. Khajurigaon villagers alleged that even in last five years, hardly, 4/5 Palli Sabhas might have been conducted. They reported that Gram Sabha resolution and signature of the members, there on are being obtained when they come for collecting PDS rice. They complained that Panchayat office is not properly functioning. When it was cross checked at Panchayat office level, it was noticed that resolution register is maintained properly. While enquiring about the non-conduct of GS as mentioned by the villagers, the EO of Gochapada GP replied that (i) the villagers are not interested to attend the GS meeting and this might be so, as they are not the beneficiaries under any scheme. The other villagers, who had not attended FGD, might have correct information about conduct of GS. The EO rather explained that the process of communicating notice prior to conduct of regular GS is being ensured.

Gram Sabha Agenda

In GS, normally, issues like beneficiary selection, developmental works and opening of liquor shop etc are discussed. It was found that only in 2/3 GPs under study area, subjects on PESA are discussed. In only one GP (Khajuripada), dispute resolution is the main focus in

the GS meeting. In no GP, land transfer issues under PESA Act and 1956 Regulation (Regulation- 2) was placed.

People's Participation

People's participation in GS meetings is generally low. People who are beneficiaries of different schemes like pension, IAY etc. attend Palli Sabha/Gram Sabha. Initially number of participation in Gram Sabha was more. But gradually people having realized that developmental work in the village is of no use for them in providing individual benefit, a very few who are entitled to get benefits attend meetings. It was, however, noticed that only 20% participants in maximum number of GPs attend Palli Sabha/Gram Sabha meetings. It was also reported that due to time constraint, people do not attend GS meeting. Meetings are conducted without intimating to all adult voters of the Panchayat as reported by some villagers.

Women's participation is found to be more than male persons. As regards, women's participation in decision-making, sometimes women seen to be raising voices, but normally, they keep silent without taking part in any of the discussions. Women's participation was found to be low where tribal population was less. About low participation, it was reported by women during discussion that male persons in the family do not allow them to attend and discuss in the meetings. Anybody who attends and takes part in the discussions is likely to be beaten-up by their male counterparts. In some cases, women who have information about GS meeting, they attend but their participation in decision making is very low and not focal.

2. Money Lending

A money-lender, before advancing a loan to any person belonging to a scheduled tribe, is required under the money lending regulation to send the proposal to the concerned Gram Panchayat for its recommendation which shall be communicated by it within a period of 45 days from the date of receipt of such proposal. If the Gram Panchayat fails to communicate its recommendations or refusal within the aforesaid period, it shall be deemed that the Gram Panchayat has accorded recommendation. If it refuses to accord required recommendation, it shall communicate the reasons there for in writing, to the money-lender. The position in the study districts in regard to money lending under PESA Act is mentioned below:

(i) Nabarangpur District

There are no professional money- lenders. Money lending with verbal understanding is prevailing among friends and relatives. The loan amount is very small say 200/- to 300/- and for that there is no interest rate, but the money lending business under the money-lending Act and regulation is not prevailing. Some villagers depend on SHG loan. The loan is either in form of produce (paddy) or cash. No record is maintained for this. The rate of interest is invariably 50% in both the cases. People are not aware about money-lending rules and role of Panchayat in money lending.

BDO, Tentulikhunti was of the view that money lending is still prevailing without obtaining/getting license/permission from Panchayat. Since both the parties (lender and borrower) have their self-interest, the matter is not disclosed in public domain. As per money lender's rule, sub-collector is the competent authority to grant permission for money-lending business. The BDO, Umerkote reported that he has not received any complaint against illegal money-lending in the Block area. Chairman of the Panchayat Samiti said that traditional money lending is not prevailing. Now people are not aware of money-lending rule. They are not interested to take loan. One youth leader who was interacted mentioned that it would be

better to take loan even at 100% interest from private parties rather to run after bank loan as it involves a lot of huddles in securing such loan.

(ii) Sundergarh District

There are no professional money lenders who carry on business in money-lending. Money-lending with verbal understanding is prevailing among their friends and relatives. The loan is either in the form of kind (paddy) or cash. In case of kind, 50% is the rate of interest and 20% in case of cash. People also take loan from SHGs. In some cases, people repay loan at the rate 20% per annum. People also depend on cooperative societies (LAMP) for purchase of fertilizers and manures. People are not aware about money-lending rules and role of Panchayat in money-lending.

(iii) Kandhamal District

The money-lending business is not prevailing Money lending with verbal understanding is however, prevalent among their friends and relatives. The interest rate is 10% for every Rs.100/- per month without mortgage and 2% on mortgage. People also take loan from SHGs and cooperative societies. People are not aware about money-lending rules and role of Panchayat in money-lending. They depend on SHGs, agriculture loan and cooperative societies. They are also not aware of Panchayats role in money lending. People also take loan from grocery shops at 5% rate of interest per month.

(iv) Keonjhar District

No professional money-lenders are reportedly operating in the study area. Money-lending with verbal understanding is, however, prevailing. There is no interest rate for this type of transaction. The loan amount is very small say 200/- to 300/-. In some cases people depend on SHG loan. People are, however, not aware about money-lending rules and role of Panchayat in money-lending.

3. Consumption of Intoxicants

A tribal person can prepare liquor for his own consumption purpose. A liquor shop cannot be opened unless it is licensed. The authority (Excise Department) granting license shall refer every proposal to the concerned Gram Panchayat for its decision within a period of 30 days from the date of receipt of such reference. If the Gram Panchayat fails to communicate its decision within the period of 30 days, it shall be deemed that the concerned Gram Panchayat has accorded the required approval. In case any liquor shop is running without license that should be informed to the concerned Sarpanch for taking action. During interaction with people, the following matters were revealed and reported from different study villages/GPs:

(i) Nabarangpur District

In Tentulikhunti GP of Tentulikhunti block, there is a licensed liquor shop. It belongs to a Bihari person. People objected to the opening of the liquor shop. Resolution of the Panchayat in favour of opening of the shop was made against people's opinion. Ward members signed the resolution without knowing/reading the matter in the resolution. Sarpanch imposed upon the ward members to sign the resolution explaining it as resolution for pension scheme. Apart from one licensed shop, there are some local illegal liquor vendors. Enquired whether this was informed to Sarpanch, villagers alleged that all this was done with the knowledge of Sarpanch. In Kangra GP, there is no licensed liquor shop. Vendors from local area bring liquor either from nearest GP, or from Nabarangpur town or buy from local liquor vendors. No meeting regarding giving consent of GP for licensing of liquor shop was ever held in the Panchayat.

In Singisari GP of Umerkote block, there is a licensed liquor shop. People consume liquor from the shop. When enquired if GS meeting on opening licensing liquor shop was held, it was alleged that, no such meeting was called for the specific purpose. But during interaction with PS the member, it was mentioned that there was a meeting held in Gram Panchayat where all ward members were present and decision was taken to open licensed liquor shop. About consent of GS members, it was alleged that signature was taken from villagers without intimating the reason for that. There is no licensed liquor shop in Burja GP. People buy from Umerkote.

(ii) Sundergarh District

In Megdega GP of Tangarpalli block, Gram Sabha meeting was conducted in regard to opening of licensed liquor shop in GP. People objected to the opening of liquor shop in their GP. This was approved in Gram Sabha and communicated to excise department. Accordingly, no liquor shop was opened. This is indicative that PESA is functioning in this respect. People manufacture, consume and exchange liquor among themselves. In Tangarpalli GP, there is a licensed liquor shop. It was reported that no GS meeting was conducted. But people did not want to have liquor shop in their GP. Now they want to stop the shop. People of Haladikudar GP of Lahunipada block reported that there was a liquor shop which had been stopped when people protested for not running the shop. People consume liquor by preparing themselves and sometimes bring from outside the GP area i.e. from Lahunipada GP. But as reported by the people of Goutamdihi of Lahunipada GP, there is a licensed liquor shop in the GP. People consume liquor by preparing themselves and sometimes bring from the shop. No GS meeting was called for recommending opening of such shop. They mentioned that other villagers might have attended. They did not know about the procedure of opening of liquor shop in the scheduled area and the role of Gram Panchayat therein.

(iii) Kandhamal district

Villagers of Charpada of Khajuripada GP under Khajuripada block mentioned that there is no licensed liquor shop in the GP except one foreign liquor shop in Khajuripada block area. People are not in favour of opening of liquor shop. They were not aware about PESA. In future, if there would be any meeting conducted in this regard, they will protest against opening of liquor shop. People manufacture, consume and exchange liquor among themselves. Villagers of Sitikapati of Phiringia GP alleged that one Sundhi person prepares liquor made from Mahuli (Mahua flower).He has one liquor shop which is not licensed. People had no idea about restriction for unlicensed liquor shop. After knowing about PESA, they said that they would intimate to Sarapanch about this illegal liquor shop and request him to cease the liquor shop. But people of Khajuripada village of same GP reported that there is a licensed liquor shop in the GP. People consume liquor by preparing themselves and sometimes bring from the shop. A meeting was called in this regard. In spite of protest against opening of the liquor shop, the shop was opened. No GS meeting was called in this regard. The villagers were not aware about the legal procedure of opening of liquor shop. People of Khajurigaon village of Gochapada GP mentioned that there is no liquor shop in the GP. People consume liquor by preparing themselves and sometimes bring from outside GP area.

(iv) Keonjhar district

There is no licensed liquor shop in Damahuda GP. One Bihari person opened an unlicensed liquor shop 2/3 years back. People protested and closed the shop. People consume liquor by preparing themselves and sometimes bring from the weekly market. They prepare Mahuli and

Handia liquor at home and sell in the weekly market to meet their children's education expenses. They are not aware about the procedure of opening of liquor shop. People of Haladibata GP reported that there is a licensed liquor shop in the GP opened five years back. No meeting of GP was called for giving consent for opening of liquor shop. People of Haladibata buy local made liquor from weekly market. They also did not know about the procedure of opening of liquor shop. It was reported by the people of Baraguda village of Banspal GP that there is a licensed liquor shop in the GP. People consume liquor by preparing themselves and sometimes bring from the weekly market. No Gramsabha meeting was held in regard to opening of liquor shop. When people knew about opening of liquor shop, they protested and signed for not opening liquor shop. Sarpanch was also not in favour of opening liquor shop. But surprisingly, liquor shop was opened. They did not know about the procedure of opening of liquor shop. The same situation was found in Kadakala GP also.

4. Ownership of MFP

As per the provisions under **"**Odisha Gram Panchayat Minor Forest Produce Administration Rules" 2002, the intended trader on MFP has to register with the Panchayat for each MFP. The transaction of MFP should be made as per the price fixed by Panchayat Samiti. The Sarapanch has the power to cancel registration of the traders in case they fail to pay prescribed fees for registration and the minimum procurement price to the primary collectors. The field situation as obtained during study is analyzed below:

(i) Nabarangpur District

MFP collection is one of the livelihood sources of villagers of Tentulikhunti. Tamarind, Jhuna and Mahula are the main forest produce they collect. Some traders of MFP do business without registering them with the Panchayat. Primary gatherers do not know about the provision under PESA Act. Price is fixed by the traders. Since people are not aware that prices are fixed by the Panchayat Samiti (uniform price), they offer forest produce at traders' dictate. Gram Panchayat has no role in price fixation. People of Kangra GP reported that traders are registered with Panchayat for MFP transaction. MFP price is determined by the traders. Due to abject poverty, the primary gatherers of MFP sell the products at a cheaper rate as dictated by the traders. The villagers did not have any idea that there is a price list of MFPs fixed by Panchayat Samiti. It was reported by PS member of Singisari GP that traders register with the Gram Panchayat. Gram Panchayat has price list of MFPs. But some of the villagers alleged that MFPs are sold without following the price list fixed by Panchayat Samiti. So at times, the primary gatherers of MFP sell the products at a cheaper rate as demanded by the traders. A few villagers know that there is a price list of MFPs fixed by Panchayat Samiti. The people of Burja GP reported that traders of MFP do business without registering in Panchayat. People do not know about MFP rule. Price is fixed by the traders. Since people are not aware that prices are fixed by Panchayat (uniform price), they sell MFPs at the price offered by the traders. But in case of tamarind, they wait for trader who can offer higher price. Gram Panchayat has no role in price fixation.

(ii) Sundergarh District

As reported by the people of Megdega GP, traders register in GP for each MFP item but they do not adopt the price rate fixed by Panchayat/Panchayat Samiti. Primary gatherers sell MFPs to the traders who can offer higher price. Registration is not being done in Tangarpalli GP. People were not aware of this subject under PESA Act. They collect MFPs and sell to the traders according to the offered price of traders. They did not have any idea that prices of MFPs are fixed by Panchayat Samiti. The same situation is reported from Haladikudar GP. But there is a price list for MFPs available in this Gram Panchayat. The primary gatherers sell

MFPs at a higher price since the price fixed by Panchayat samiti is too low. Regarding price list and registration for trading of MFPs, people of Lahunipada GP do not have any knowledge. MFP gatherers sell in weekly market at mutually agreed (buyer and seller) price. At times, they sell at very low price.

(iii) Kandhamal District

People of Khajuripada GP do not have knowledge about MFP rule. It was also reported that registration is being done by the traders. They sell MFPs at the price offered by the outside traders. As regards price list of MFPs fixed by Panchayat, people have knowledge about this but the list is not displayed in Panchayat office. It was also reported that, the price fixed by Panchayat/Panchayat Samiti is much lower than the market price. So they sell at a higher rate. In Phiringia GP, People collect MFP for their livelihood. When enquired about registration with Panchayat for trading in MFP and display of price list of MFPs in Panchayat office, people reported that they do not have any knowledge about this. MFP gatherers sell at buyers' price and sometimes at mutual (buyer and seller) price. Similarly, in Gochapada and Gudari GPs, people do not have any knowledge about registration with Panchayat for trading of MFP and display of price list of MFPs Panchayat office MFP gatherers sell at price offered by the trader.

(iv) Keonjhar District

MFP collection is one of the livelihood sources of villagers of Damahuda GP. Sal Seeds and Mahula are the main minor forest produces. Traders of MFP do business without registering in Panchayat. People do not know about this rule. Price is fixed by the traders. People have knowledge that prices are fixed by Panchayat (uniform price), but Panchayat says that they have not been given any price list of MFP. Panchayat has no role either in price fixation nor in registration. Primary collectors of MFP sell at the price offered by traders in the weekly market. In Saharpada GP, there are some godowns. Primary gatherers dispose of their products at godowns. Outside traders buy from these godowns. Price is fixed by the traders. No registration for trading is being done at Saharpada GP as reported by the people. In Banspal GP traders of MFP also do business without registering with the Panchayat. People do not know about this provision. People have knowledge that prices are fixed by Gram Panchayat (uniform price), but Gram Panchayat says that they have not been given any price of MFP. Panchayat has no role either in price fixation nor in registration. Primary collectors of MFP sell at the price offered by traders in the weekly market. The same situation is found in Kadakala GP.

5. Land Transfer

The Odisha Scheduled Areas Transfer of Immovable Property (by Scheduled tribes) Regulation, 1956 (Regulation 2) and Odisha Land Reforms Act of 1960 provide for restoration of illegally alienated land to the tribals. As per the amended provisions in the "Orissa Scheduled Areas Transfer of Immovable Property" (by Scheduled tribes) Amendment Regulation 2000 named as Orissa Regulation I of 2002, transfer/alienation of land of STs to persons not belonging to STs has been completely banned. Transaction between tribal to tribal is restricted under prescribed conditions.

(i) Nabarangpur District

As reported by people of Tentulikhunti and Burja GPs, land transfer from tribal to non-tribal has been stopped. People are aware about the restrictions made for transfer of land by tribals to non-tribal and between tribal to tribal also. But in Kangra GP, the provision for conditional transaction of land between the tribal to tribal was not known to people. In Singisari GP,

transfer in form of mortgage among tribals (tribal to tribal) is still continuing on verbal understanding.

(ii) Sundergarh District

In Megdega GP, people are aware about the ban on land transfer by tribal to non-tribal. But (between tribal to tribal), the conditional transaction of land was not known to people. Since 2002, transaction between tribal and to non-tribal has been stopped. But between the tribals, the transfer with terms of mortgage is continuing in verbal understanding. The same is the situation in Lahunipada, Tangarpalli and Haladikudar GPs.

About tribal land restoration, the following case was recorded-

Case study

A case of forcible occupation of land of tribal by a non-tribal was reported in Megdega village of Megdega GP in Sundergarh district. While discussing with people during FGD, a tribal person named Sitaram Guha alleged that his land has been forcibly occupied by a non-tribal person. During 1967-68, his father bought a patch of cultivable land of 75 decms. from a non-tribal person of Turmagada. Since 1999-2000, the non-tribal person has been cultivating the transferred land. When Sitaram came to know that the non-tribal person was still cultivating, he asked the person to do relinquish cultivation. But he kept silent. One day, the RI, during his visit to this village asked whether anybody's land had been forcibly occupied by any non-tribal. If that is so, he/she may file case in the Sub-collector's court for restoration. During 2007-08, Sitaram Guha filed a case against the second party for restoration of his land. After 2/3 months, sub-collector gave a notice for hearing Sitaram approached sub-collector but the other party did not come. Sub-collector assured him to hear the case next time. Second time, both the parties attended and Sub-collector ordered and directed the second party to return the land and pay compensation whatever the petitioner would ask for. But the second party is still in cultivating possession of the tribal land. Now Sitaram warned him to file case again. It is noticed that restoration is done in pen and paper only. In most of the cases, the land remains with the second party (non-tribals) only.

Kandhamal District

People of Khajuripada, Phiringia, Gudari and Gochapada GPs are aware about the ban of land transaction from tribals to non-tribals. But between tribals, the conditional transaction of land was not known to the people. Since 2002, transaction has been stopped between tribals and non-tribals. No illegal cases of land transfer have been reported till date except one in Gudari GP. A tribal of Gudari GP whose land was transferred to non-tribal has been restored back and physically occupied.

Keonjhar District

In Damahuda GP, about 60-70 years back, the land of tribals was transferred to non-tribals. Transfer of land from tribal to non-tribal is stopped now. People are aware about the restriction made for transfer of land between tribals but people of Saharpada , Banspal and Kadakala GP are not aware about the restriction made for transfer of land between tribals.

6. Regulation of Village Market

As per provision under PESA Act, village markets are to be regulated by Panchayats. The status in select districts is mentioned below as evidenced during conduct of FGD in select villages.

Nabarangpur District
In case of Tentulikhunti GP, Panchayat calls for auction to regulate/control village markets every year. A person, who is selected in auction, will regulate the market and collect tax from vendors. But in Singisari GP, it is regulated/controlled by Gram Panchayat itself. The Panchayat collects tax from the vendors. There is no market in Kangra and Burja GPs.

Sundergarh District
As reported, market exists in Megdega, Haladikudar and Lahunipada GPs. It is regulated/ controlled by Panchayat through auction. Tax is collected from the vendors. But in Tangarpalli GP, market is regulated neither by Panchayat nor by any agency. Tax is not collected from vendors. Any vendor can sell in that market.

Kandhamal district
In Khajuripada and Phiringia GPs, market exists. It is regulated/controlled by Panchayat through auction. Auction is called every year. Tax is collected from the vendors. In Gochapada GP, market is regulated/controlled by Panchayat. Tax is collected from the vendors. There is no market in Gudari GP. People depend on Phulbani or Khajuripada.

Keonjhar district
In Damahuda, Banspal, Kadakala GPs, Panchayat calls auction to regulate/control village markets every year. A person who is selected in auction, he/she will regulate market and collect tax from vendors. But in Saharpada GP, market is regulated by RMC (Regulated Market committee).

Chapter-VIII

Conclusions and Suggestions

Studies on effective implementation of PESA Act and awareness generation among the tribals in the Fifth Schedule Areas of the State are scanty and limited so as to understand the fulfillment of the objectives and goals of PESA Act at the ground level. The present study tried to examine the implementation of the Act in Odisha with the objectives like (i) to make an assessment of status/functioning of the PRIs after 73rd Amendment and PESA Act in scheduled area (ii) to examine the degree of understanding about PESA Act among PRI members and community and their extent of empowerment and to identify the organizations (GO/NGOs/CBOs) taking initiative/efforts for empowering and strengthening PRIs in Scheduled areas (iii) to evaluate peoples' participation especially women in the democracy and development process in the light of flow of funds and implementations and achievements of different development schemes (iv) to identify shortcomings in implementation of the Acts related to PRIs and problems of tribal PRIs representatives in participating the democracy and development process (v) to review central and state legislation of PESA and make suggestions to bridge the gap between the provisions of the Central Acts and the State Panchayat Acts and legislations, devolution of powers to PRIs by different Development Departments and for taking up further measures towards achievement of the objectives of PRIs. The study covered 4 scheduled districts of Odisha. From each select district, two blocks were chosen on the basis of stratified random sampling. Similarly, from each block, two GPs-preferably the head-quarter GP and another GP located at a long distance from GP to the block headquarter were taken for the study. A total of 4 districts, 8 blocks, 16 GPs, 130 villages and 1528 households were covered in the present study.

The qualitative aspect of the study was assessed with the help of statistical tools like (i) Likert Scaling Technique(LST) with slight modification (for the purpose of the present study) adopted to assess the qualitative variables by putting score value. (ii) Regression and Correlation models are used to establish relation between the variables (significant/ insignificant). The study has certain limitations (i) The study could not assess functioning of some subjects under PESA Act like land acquisition, minor minerals and minor water bodies etc as instances of such cases were not found in select villages under GPs in the study areas (ii) The findings are limited to the study area only. The study report is divided into eight chapters. First Chapter contains Introduction covering backdrop, objectives, sample design and methodology, hypothesis, review of literature etc. In the Second Chapter status of Panchayati Raj system in India and Odisha: historical perspective and current status are briefly highlighted. Provisions of 73rd Amendment Act and PESA Act and implementations of the Acts in the State of Odisha are focused in Third Chapter. The Fourth Chapter gives a picture on Profile of study Area. Fifth chapter analyses role of GS in implementation of PESA Act. Sixth chapter examines situational analysis on the working of PESA based on research findings. Impact of PESA Act and its critical gaps in the implementation process are reflected in the Seventh Chapter. Conclusion and suggestions are summerised in the Eighth Chapter. The following are key findings of the study:

Social Profile

- Overall, 92.34% are male-headed and 7.66% are female-headed households in the study area. District-wise data shows maximum number of female headed households is found in Sundergarh (10.28%) followed by Kandhamal (9.22%), Nabarangpur (6.57%) and Keonjhar (5.56%) district.
- On the whole, out of total population of 7044 in the study area, 47.6% are female members, 52.4% male members. The average size of family is 4.6. District-wise data reveals that presence of male members is maximum in Keonjhar district (53.8%) followed by Nabarangpur district (52.4%), Kandhamal (51.6%) and Sundergarh (51.3%) respectively.
- Overall data reveals that highest number of population (56.06%) is under the age group of 15-45 years.
- The head of the household in maximum cases (57.5%) comes under the age group of 15-45 years.
- District-wise population engaged in agriculture is the highest in Sundergarh (47.06%) and lowest (21.6%) in Kandhamal engaged in agricultural activities.
- The highest percentage (26.59%) of population engaged in daily wage labour is found in Kandhamal district.
- Among the districts, maximum number of population (2.4%) are service holders in Sundergarh district.
- Among the districts, people engaged in business activities are found more in Nabarangpur district (2.2%) than other districts.
- Overall result shows that persons under non-income group (46.65%) are the highest among all groups of people followed by persons engaged in agriculture (36%).Non-income group includes students, housewives, people doing nothing and without any avocation and old persons.
- Literacy rate is the highest in Kandhamal district (69.9%) followed by Sundergarh district (67.8%). Illiteracy rate is the highest in Nabarangpur district (54%). Over all, literacy rate is 58.9%.
- As regards caste of households, highest number of scheduled caste hhs are found in Kandhamal district (31.56%) followed by Nabarangpur district (15.04%), Keonjhar (7.25%) and Sundergarh district (3.89%) respectively.
- In respect of scheduled tribes, highest number of hhs is found in Keonjhar district (88.16%) followed by Sundergarh district (79.17%), Nabarangpur district (72.03%) and Kandhamal district (58.51%).
- The overall data reveals that 75.59% are STs, 13.35% SCs and the rest 11.06% households come under other caste category.
- Maximum BPL households are found in Kandhamal district (92.91%).
- Among districts, the highest number of households (98%) belong to nuclear family.
- Overall data shows 86.6% have katcha houses, 11.19% semi-pucca houses and only 2.75 % live in pucca houses.

Awareness/Understanding about PESA Act

- GPs are classified on the basis of degree of understanding. The people of Singisari and Burja GP are not aware about PESA Act. The people of Khajuriapada, Gudari, Phiringia, Gochapada, Megdega & Kangra GPs are aware, but people of Saharapada, Damahuda, Lahunipada, Haladikudar & Tangrapali GPs are both aware & partially positive in their understanding, about PESA. People of Bansapal, Kadakala, Tentulikhunti GPs are aware & fully positive.

- Out of total 1528 respondents of 16 GPs, about 19% are aware about PESA Act, 62% are literates, 40% participate in GS and 56% GPs are located nearest to the block head quarters.
- The correlation matrix revealed that the relationship between awareness and location of GP is negative (-0.01). It indicates that when distant of GP increases, awareness level decreases and vice-versa.
- The correlation between participation and awareness is also negative (-0.17). It implies that when participation is more, awareness level is low and vice-versa, but the correlation between awareness and literacy shows positive relationship (0.14) indicating that increase in literacy rate increases awareness level and decrease in literacy rate decreases awareness level.
- Since adjusted R square is negative, our regression model is not a good model. It also shows that the correlation between the awareness and predictor variables is not significant except the correlation between awareness and literacy.

Functioning of Gramsabha and People"s participation

- Classification of functioning of GS into 4 ratings reveals that GS is not functioning in Khajurigaon village. GS is functioning in Haladikudar, Halidibata, Baraguda, Narasinghpur, Malbeda (Singsari GP), Padiaguda, Goutamdihi, Charpada GPs. GS is functioning and partially positive in Tentulikhunti, Megdega, Rangaimunda, Turumunda, Sitikapati, Khajuriapada, Kaladi and Damahuda GPs but it is functioning and fully positive in Kangra GP.
- While interacting with the people of Khajurigaon village of Gochapada GP, it was alleged by people that hardly any Gram Sabha is conducted. But Palli Sabha was conducted 4/5 times during last 4/5 years. Regarding Gram Sabha resolution and signature of the members thereon, it was reported that while coming to GP for lifting PDS rice, their signatures are being collected. They reported that Panchayat office is not properly functioning.
- It is also revealed that among all the study districts, highest number of participation of people in GS was found in Nabarangpur district (62.9%) and lowest in Kandhamal district (17.2%).
- Out of total 1528 respondents of 16 GPs, about 40% participate in GS, 62% are literates, 79% belong to BPL families and 54% belong to the age group of 15-45 years.
- It also revealed in correlation matrix that correlation between participation and BPL Families is negative (-0.60) which implies that if number of BPL families increases, participation in GS decreases and vice-versa. The correlation between participation and literacy is negative (-0.27) which indicates that when literacy rate increases participation of number in GS decreases and vice-versa.
- But the correlation between participation and age group (15-45 years) is positive (0.41).It shows that participation increases with the increase in proportion to members of GS between 15-45 years and vice-versa.
- Correlation between participation and literacy and correlation between participation and head of the households age (15-45 years) are significant.
- During conduct of FGD in Baraguda village of Banspal GP, male persons sat quite at a distant from female persons. When enquired about this, it was known that it was a kind of honour given to their male relatives. It is a matter of concern that when female

members are restricted even to sit in front of/aside to their male relatives, how can it be expected that they would be raising voice or participating in the decision-making.

- Social audit is conducted regularly twice in a year.
- Except NREGS, no other schemes are discussed in the GS on SA.
- Above all, it is observed that discussion on social audit camps enhances people's empowerment. As a result of social audit, functionaries have always a fear in their mind that they are accountable to people. So in the process, both accountability and transparency is ensured.

The following findings are recorded with regard to the study of various subjects under PESA Act in this chapter:

Money Lending

- Among all the districts, people depending on external sources for money is found to be highest in Sundergarh district (95.5%) and the lowest (74.39%) in Keonjhar district.
- Overall data shows that highest number of people (81.5%) depend for loan on friends and relatives to meet their extra expenses.
- People depending on bank loan were found to be maximum (10.39%) in Nawarangpur district and less dependence in Kandhamal district (0.45%).
- As regards dependence on SHG loan, it was revealed that maximum number was found in Sundergarh district (21.51%) followed by Keonjhar district (21.43%).
- Among the study districts, highest number of people of Kandhamal district (98.64%) reportedly meet their extra expenses by borrowing from their friends and relatives
- Illegal money-lending with exorbitant interest rate is prevailing in the study area. Although the incidence of money-lending has been reduced, the maximum number (9.59%) of illegal money-lending is reported in Sundergarh district.
- It is found that maximum percentage of people are found (59.46%) in Nabarangpur district who depend on loan with interest liability.
- During conduct of FGD, it was found that as per money lending rules, there is no license-holding money-lender. But illegal money lending is prevailing in 6 villages (33.3%) out of 18 villages. Loan giving on verbal understanding prevails in all the select villages. People depending on SHG loan are found in 15 villages (83.3%). It was also noticed that in 7 villages (38.9%), people depend on financial institutions for loan.
- As per scaling technique, money lending business under PESA is not in operation in Malbeda and Haladikudar villages, but is functioning in Goutamdihi and Kaladi villages. It is functioning and partially positive in Tentulikhunti, Kangra, Padiaguda, Megdega, Rangaimunda, Charipada, Turumunda, Sitikapati, Khajuriapada, Khajurigaon, Damahuda, Halidibata, Baraguda and Narasinghpur villages. In no study villages, money-lending business is found functioning and fully positive.

Control over manufacture consumption and sale of toxicants

- Out of total 1108 liquor consumers, 32.88% prepare liquor on their own, 31.43% depend on local liquor shops, 28.08% buy from local vendors and 10% depend on outside the GP area.
- District data reveals that among all, highest number of consumers (48.79%) is found preparing liquor on their own for consumption in Keonjhar district. The maximum (39%) number depending on liquor shop is found in Kandhamal district.
- Maximum licensed liquor shops are reported in Nabarangpur district (83.33%) followed by Sundergarh district (52.63%).

- ❖ Maximum unlicensed liquor shops are found in Keonjhar district (84.62%) followed by Kandhamal district (33.64%).
- ❖ During conduct of FGD, it was found that GPs having no licensed liquor shop are having so due to (i) no one applied for issue of license in those GPs (ii) GS members did not agree to open liquor shops and that was acted upon. In the present study, out of total 18 FGD conducted in villages, 11 villages reported that the concerned GPs received application through excise department forwarded by respective collectors. But only 3 (27.3%) villages reported that GS meeting was conducted in order to take opinion from people regarding opening of liquor shops. In 2 villages of concerned GPs (66.7%) people's opinion with regard to opening of liquor shop was upheld.
- ❖ As per scaling technique, regulation on consumption of intoxicants under PESA is enforced in Kangra, Padiaguda, Charipada, Sitikapati, Kaladi and Khajurigaon villages, but enforced in Halidibata, Malbeda, Goutamdihi villages and are partially positive in Rangaimunda, Turumunda, Khajuriapada, Damahuda, Baraguda, Narasinghpur and Tentulikhunti villages where as in Megdega, Haladikudar villages, regulation on consumption of intoxicants is found functioning and fully positive**.**

Control over Minor Forest Produce

- ❖ Out of total 1528 households, 72.58% depend on MFP collection as one the sources of their livelihood. Sal seeds, Karanja, Mahua and Tamarind are the main MFPs collected in Keonjhar district. Mahua, Turmeric and Tamarind in Kandhamal, Mahua and Tamarind in Sundergarh district and Mahua, Tamarind, Sal seeds, Salap, Tola and Tamarind in Nabarangpur district.
- ❖ Among the districts, highest number of households i.e. (79.08%) in Kandhamal district depend on MFP collection for their livelihood.
- ❖ Regarding price fixation of MFPs, except 5(five) persons (0.45%) who mentioned Panchayat as the price determinant, 77.37% said buyers as price determinants, 9.47% sellers as price determinants and 13.07% reported that price is determined by mutual bargaining.
- ❖ In the present study, price list is available in 4 GPs only. But in no other GP covered under FGD, transaction is done as per price list given by Panchayat Samiti.
- ❖ As per scaling technique, ownership of MFP under PESA is effective/functioning in Halidibata, Padiaguda, Goutamdihi, Charipada, Tentulikhunti, Kangra, Sitikapati, Khajuriapada Khajurigaon, Kaladi, Damahuda and Rangaimunda villages. It is functioning and partially positive in the GPs of Haladikudar, Baraguda, Narasinghpur villages and functioning and fully positive in the GPs of Malbeda, Megdega and Turumunda villages.

Transfer of lands and restoration of unlawfully transferred lands

- ❖ As regards illegal transfer, of lands it is found that out of 7 illegal transfers, 6 persons filed petition to Sub-collector and only one person of Megdega GP (case study) got his land restored. During discussion with people in18 villages, transfer of land from tribals to non-tribals is stopped in all the 18 villages. But tribal to tribal transfer as per conditional restriction is working in 3 villages (16.7%). Transfer between tribal to non-tribal on verbal understanding is nil. But transfer between tribal to tribal as per verbal understanding is in force in 15 villages (83.3%).
- ❖ As per scaling technique, land transfer under PESA is not functioning in Malbeda, Megdega, Rangaimunda, Haladikudar and Goutamdihi functioning and partly positive in Tentulikhunti, Kangra, Charipada, Turumunda, Sitikapati, Khajuriapada Khajurigaon, Halidibata, Baraguda, and Narasinghpur villages, and land transfer

under PESA is functioning and fully positive in Padiaguda, Kaladi and Damahuda villages.

Village Market

- Out of total 1528 households, 53.27% mentioned that market exists in their respective villages. The rest 46.73% respondents reported that they have no village market in their respective villages. It implies that market may exist in other villages of corresponding GPs or do not exist at all. Majority of respondents (87.7%) said market is regulated by Panchayat either directly or through auction.
- In all the districts except Keonjhar district, market is mostly regulated by the Gram Panchayat.
- During FGD, it was reported that out of 18 villages, 15 villages (83.3%) have weekly markets. It was enquired whether market is regulated by Gram Panchayat or any other agency. It is found that market is regulated by Gram Panchayat directly in 4 GPs (22.2%), through auction in 9 GPs (50%), RMC in 1 GP (5.5%). In one GP (5.5%) there is an open market neither controlled by GP nor by RMC.
- As per scaling technique, regulation of village market under PESA is not enforced in Khajurigaon Kangra, Padiaguda, Kaladi and Haladibata villages but it is functioning in Malbeda village. The Act is functioning and partly positive in Tentulikhunti, Megdega, Rangaimunda, Turumunda, Sitikapati, Khajuripada, Damahuda, Haladikudar, Baraguda, Narasinghpur, Goutamdihi, Charipada and in no villages, regulation of village market under PESA is functioning and fully positive.
- No land acquisition cases minor mineral and water bodies cases found in the study area.

Land Acquisition, Minor Minerals and Water Bodies

- The study could not cover the above mentioned subjects as no instance of land acquisition, lease of minor minerals and construction and maintenance of water bodies was available for study.

EMERGING FIELD ISSUES

Gram Sabha and People's Participation

- The following issues have emerged from the field study. The GS, generally, finalises issues like beneficiary selection. Developmental work are discussed in the GS meeting.
- PESA subjects are not discussed in GS meetings.
- People who are beneficiaries of different schemes like pension, IAY etc. seen to attend Palli Sabha/Gram Sabha.
- Male persons in the family do not allow female members for attending and discussing in the meetings. Anybody who attends and takes part in the discussion, is subjected to social taboo and harassment.
- In some cases, women who get information about GS meeting, attend such meetings but their participation in decision making is very low.

Money Lending

- People are not aware about rules regulating money lending and role of Panchayat there in particularly under PESA Act.

- Money-lending, with verbal understanding, is prevailing among the friends and relatives. The loan is either in terms of produce (paddy) or in cash.
- Money-lending business is not prevailing on commercial basis by the traders in some GPs.
- In some cases, no one exposes the money lender even though they are charged with exorbitant interest rates.
- Loan is secured either in the form of kind (paddy) or in cash. In case of kind, the rate of interest goes as high as 50% and 20% in case of Cash loan. People also take loan from SHGs. In some cases, people repay loan at the rate 20% interest per annum. People also depend on cooperative societies (LAMP) for purchase of fertilizers and manures.
- Regarding money lending, BDO Tentulikhunti and Umorekote Blocks have not received any complaint as against illegal money-lending.
- No license has been issued for money lending business as verified from Sub-collector's office - Banai, Sundergarh district.
- No application has been received for issues of licence for money lending as reported by officials of sub-collector office, Banai.
- It was also verified from the Task-Force Report at sub-collector office, Banai that no money lending cases were detected by either RIs or WEOs who had been assigned to detect the cases in their respective areas.

Consumption of Intoxicants

- Gram Sabha is called for, discussion on opening of liquor shop. Resolution is sometimes is passed against people's opinion. Sarpanch imposes/forces upon ward members to sign-such resolution on the pretext of securing pension or any other benefit. Ward members sign without knowing/reading the contents of the resolution.
- Illegal liquor shops are opened with the knowledge of Sarpanches.
- Licensed liquor shops are opened without the knowledge of people.
- Licensed liquor shops are also opened in some cases against people's opinion.
- Special Gram Sabha is not called for discussion on opening of liquor shop.
- Some Sarpanches are reportedly not sending consent letter within 30 days as stipulated under rules for opening of liquor shop. Even some of them appear to do not know about the procedure of opening of liquor shop. Even some of them might be deliberately causing delay in sending reply within the stipulated time. On this score, it speculated that they might be influenced by monetary benefit the liquor licence applicants.
- On the whole, people and elected representatives are not aware about the detailed provisions about PESA Act.
- No full-fledged initiatives have been taken by either government or NGOs. Only in Gochapada GP of Phiringia Block, one NGO seemed to have intervened and explained to some people about provisions of PESA Act.

Ownership of MFPs

- People are not aware of MFP rules.
- Traders of MFP do business without registering their names in the Gram Panchayat concerned.
- Primary gatherers do not know about provision under PESA Act.
- In most of the cases price is fixed by the traders. Since people are not aware that prices are to be fixed by Panchayat Samiti (uniform price), they offer goods at traders' price.

- Panchayat has no role in price fixation.
- MFPs are sold without following the price-list fixed by Panchayat Samiti and displayed in GP office. So at times, the primary gatherers of MFP sell the products at a cheaper rate as demanded by the traders.
- The primary gatherers in some areas sell MFPs at a higher price than the price fixed at Panchayat Samiti level which is too low.
- In Saharpada GP of Keonjhar district, there are some private godowns. Primary gatherers dispose of their products in the godowns. Outsiders (traders) buy from these godowns. Price is fixed by the traders.
- Suo-mottu registration of traders for trading in MFP is very less.
- Functionaries in weekly market inform, convince and mobilize for registration of traders with the GP concerned.
- Not a single registration has been done in Gudari GP
- Price list comes every year during October-September
- Transaction is not done as per pricelist fixed by PS
- Except in one or two cases, normally MFPs are sold at a higher rate (justified)
- There is very limited awareness and understanding among the PRIs on MFP, rules and regulations. Hardly any effort has been made both by the government functionaries and PRIs to sensitise Gram Panchayat representatives on their duties and responsibilities in the management of MFP.
- GPs are involved in implementation of many anti-poverty and social security schemes. Sarapanch and Secretary of GPs are already over-burdened and as such are not showing keen interest in management of MFP. Rather they are more interested for additional development programmes to be implemented in their Panchayats.
- The role of GP has been limited only to registration of traders and collection of registration fee of Rs. 100. Beyond this, they don't monitor the activities of the traders in procurement of MFP in the Panchayat area. GPs don't perform this because they claim that they have not been provided with appropriate power to control MFP trade.
- If the primary collectors and SHGs collectively bargain with the traders for fair price, then the traders stop coming to the area for buying MFP. There is no alternative buyer or arrangement available to help the primary collectors to sell their products. In such situations, distress sale takes place.
- It is very difficult to monitor the activities of the traders as they don't report to the GPs from where they are buying, what quantity and where they are storing the produces. No reports on the prescribed format are being submitted to the Gram Panchayat by the registered traders. GPs have not taken any action against them yet.
- Fixation of price is not done in time by the Panchayat Samitis and after fixation of prices, it is not properly disseminated to the GPs. The GPs also don't take appropriate measures for informing primary collectors on the price fixed. There is no proper guideline for fixation of prices at the Panchayat Samiti level. They just review the previous year's price and declare the same price or that with little modification.

Land Transfer

- Transfer of land in form of mortgage between tribals is still continuing on verbal understanding.
- Land transfer from tribal to non-tribal has been stopped since 2002 by amending 1956 regulation. (Regulation-2).
- People are aware about the ban of land transfer from tribal to non-tribal. But between tribals, the conditional transaction of land was not known to people. This needs to be disseminated further.

- ❖ It is noticed that restoration is done in pen and paper only. In most of the cases, the land remains with the second party (non-tribal) only. Physical possession of restored land is actually not given effect to.
- ❖ As per the report given by functionaries, GP is not intervening in any land issues. They are not aware about the role of GP in resolving land related issues.

Regulation of Village Market

- ❖ GP markets are invariably put to action. They are regulated and controlled by Gram Panchayats.
- ❖ In a few cases like Saharapada GP, the market is regulated by the Regulated Market Committee.
- ❖ In some Gram Panchayats, markets do not exist. Therefore, people depend on neighboring markets beyond the GP's area.

Critical gaps in the Implementation of PESA Act – Constitutional & legal provisions and implementation of PESA Act as noticed during the study and analysed with reference constitution and legal provisions: -

The following gaps in constitutional provisions are observed-

National Perspective

- ❖ The provisions of PESA Act 1996 need to be analyzed in the light of claims of many activists that it has miserably failed to materialize people -centric governance and accountability structures at the grass root level thereby jeopardizing the very rationale of 73rd amendment and the Panchayati Raj institutional mechanism.
- ❖ Section 4(a) of the Act does not take into consideration the presence of multi-culture contents of different tribes even in the same geographical area. In consequence, the words "customary law", "social and religious practices" are general in nature. Since they are not tribe specific, cannot be applied uniformly.
- ❖ Another vital point of omission in the law is that in the event of a dispute as to whether a particular state legislation is in consonance with customary law or not, there is no specific provision in the law for reference or redressal. Therefore, there is need for a provision in the law for creating viable mechanism to accommodate diverse claims of multi-tribes in the same geographical configuration.
- ❖ The definition of village as mentioned vide section 4 (b) in Scheduled Areas is placed in a uniform manner probably with a view to expand the scope for assimilation of new categories of people in the village. This is likely to dilute the spirit of the legislation, as it may not claim to be in consonance with the tribal customary laws. Therefore, the definition of village could be redefined based on the ethnic composition of the people in Schedule V Areas. In fact, several communities may be living in one village where it may be difficult to demarcate a village. In that case a revenue village may not be co-terminus with traditional tribal village.
- ❖ The term community is not properly defined and it may lead to various complications and confusions. Therefore declaring each hamlet as a Panchayat may not be rational in view of economic viability and other considerations.
- ❖ The provision under section 4(d) that every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution consistent with relevant laws in force and in harmony with the basic tenets of the constitution and

human rights, is a very restrictive provision and indirectly downsizes the self-governing power of Gram Sabha.

- PESA Act, which is applicable only to schedule V Areas and excludes the Sixth Scheduled Areas, needs to be analyzed if this law could be extended to areas other than V^{th} and VI^{th} Scheduled Areas where there is preponderance of tribals. Otherwise, tribals living within this area are likely to be deprived of the benefits of the Act (PESA). For example, in the Sixth Scheduled Areas, the structure of Autonomous District area is not necessarily co-terminus with the administrative boundaries. There is no statutory body below either the intermediate or village level. At sub-district level, there is neither a democratic nor a traditional structure. Therefore a void is created and no organic linkage is available between the lower and higher level local bodies.
- For the development and advancement of the tribals a Tribes Advisory council is set up in every state. Speculations with regard to likely controversy in the working of Panchayati Raj institutions at the local level and the role of TAC are still active. The PESA Act hardly specifies about the linkage between the TAC and Panchayat bodies in the Scheduled Areas.
- The term community is not clearly defined either in the PESA Act or in the state laws. Since there are varieties of customary laws, social and religious practices amongst the various tribes, it may not be possible to have different legislations for each of the tribes. It may not also be possible to have different legislations for each of the tribes in a particular district or the state.
- Although PESA is grounded on the principle of participatory democracy as the basic unit of governance, the terms Gram Sabha and Gram Panchayat are being used interchangeably. In fact, Gram Sabha is the core unit of PESA Act, which stands entirely on a different footing as against the Gram Panchayat. Consequently, most of the state legislations reading the two terms as synonyms, have empowered the Panchayat which, for all practical purposes, actually dis-empowers the Gram Sabha. Therefore, adoption and implementation of PESA by states should take cognizance of this ambiguity.
- Part-IX concerning the Panchayats and Part-IX (A) concerning the municipalities of the constitution was not made applicable, interalia, to the Scheduled Areas covered under the Sixth schedule. While Bhuria Committee covered the Scheduled Areas and had given its recommendation concerning the structure of both the Panchayats and the Municipalities, the situation in other areas appears not to have been studied or analyzed by the Central Government.
- Ironically, the pattern of Six Schedule has been adopted as a model for designing the administrative arrangement in the Panchayats at the district level in the scheduled Areas. Besides the areas that remain outside the preview of Part IX and Part IX A are not studied. Similarly, some other areas like the North-East remains to be studied in depth.
- Although the position with regard to extension of the Scheduled Areas was discussed in the second report of Bhuria Committee, the position remains unchanged. The legal position concerning the extension of general laws to the urban areas within the Scheduled Areas of other states is also the same. Similarly many states with substantial tribal population have not been brought under the concerned schedules. Such position prevails in North-East Manipur and non-scheduled areas of Tripura and Arunanchal Pradesh. There are many tribal Areas in West Bengal, Karnataka, Kerala and Tamilnadu which have not been scheduled. As a result, small tribal communities which are most vulnerable and are unable to tend for themselves against formidable

adverse forces are left almost defence less. Therefore, it is necessary that these communities are brought under the Fifth Schedule as per recommendations of Bhuria Committee.

- Although about sixty percent of the tribal population lives in the Scheduled Areas, no action seems to have been taken to cover these tribals in the Scheduled Areas inspite of Bhuria committee's recommendations. Since Gram Sabha is the centre of community bestowed with extensive powers now, it would be a blatant injustice to the tribal people remaining outside the Scheduled Areas. They need the benefits of empowerment endowed on the community in the Scheduled Areas mostly. Therefore; the entire sub-plan area may be covered under the Scheduled Areas.

State Perspective

- No specific or special objective is given due space in the state legislations.
- In most of the state laws, Gram Sabha exercises, control mostly over schemes and programmes sanctioned from above. Nothing is allowed to spring from below. Since many of the state governments allege to have not been consulted before PESA Act was enacted, it may be necessary to go for fresh consultations and bring out a single but small legal document after examining various state laws and the inconsistencies existing therein. What is important is to retain the principle of self-determination of the village by the community itself towards a participatory democracy and the village as a self-governing village.
- It is almost a decade and half since PESA came into force that the obstacles in enforcing its provisions have remained largely un-addressed. States have not come out with clear-cut policies and procedures indicating definite rights of tribals in matters like forest and minor forest produce. In matters relating to forest resources, states like Maharashtra, Gujarat and Odisha in their effort to perpetuate state control over forest resources have tried to dilute the provisions of PESA.
- It has been seen that states which come under the Schedule V Areas have amended the respective Panchayat Act which are very radical and difficult to handle with particularly in relation to Gram Sabha's mandatory role on land acquisition for development projects and grant of concessions for lease of minor minerals and prevention or restoration of alienated land to the rightful tribal owners.
- In the process, some of the key provisions of the central Act intending to recognize the traditional rights of the tribals over natural resources like land, water and forest have been diluted, if not implemented, far from expectation. The land laws have failed miserably to protect the tribals from alienation of their land. In matters of acquisition of land for development projects, the role of Gram Sabha or the Gram Panchayat has been relegated to the background.
- Different states have devised different agencies other than the Gram Sabha. While Maharashtra assigns these powers to Gram Panchayat, Odisha has given this power to Zilla Parishad. Practically, no state government except Andhra Pradesh has formulated any clear and comprehensive rules, regulations and procedures for implementing the provisions of the Central Act.
- Similarly many state governments appear to be not making serious efforts in providing training to government functionaries, PRI representatives and NGO functionaries in the Schedule V Areas.
- The process of consent and consultation as prescribed in the PESA Act is often distorted to serve the interest of projects and not the people.
- In Odisha, there was lack of trust between the people, the state government and the company for acquisition of land for the Alumina Project in Rayagada district. In

Kalahandi district of Odisha it was alleged that the district collector prevailed to hold the Gram Sabha meeting even though there was stiff opposition from the local people. The acquisition of land in West Bengal for the Tata Motor Company and for the Tata Steel in Kalinga Nagar in Jajpur district of Odisha are examples of prevalence of state control and hegemony over land acquisition.

Odisha State Perspective

- In case of Odisha as in many states, the mandatory provisions are to be more specific and explicit which seem to have been lost sight of while legislating conformity laws at the state level. Although the powers and functions of Gram Sabha are left to the wisdom of state legislatures, different states have adopted variated legislations in implementing PESA Act. The Gram Sabha is mandated to deal with plans, programmes and projects of socio-economic development but this is not given due space in the state legislation. Although devolution of power and authority to the Panchayati Raj Institutions is required to be specific and unambiguous, this aspect does not find place in the statutory provisions in respect of Scheduled Areas and Panchayats in Scheduled Areas find themselves on the same footing as of the Panchayats in normal areas.
- Implementation of PESA in Odisha has not resulted in any spectacular or specific results in terms of the ideals and objectives envisaged in the Act. The state laws have been amended more as a routine than real application of the spirit of the Act.
- The Central Act envisages a strong, powerful and self-reliant Gram Sabha but Odisha law seems to have restricted its functions to "as may be prescribed from time to time". The rationale behind PESA Act to empower Gram Sabha to approve and sanction all matters relating to tribal society and their economy needs to be ensured.
- There seems to be an underlying taboo of hesitancy and bias on the part of government functionaries in sincerely implementing the Act. In matters of devolution of powers to PRIs in the Scheduled Areas, no specific devolution is either performed or adopted. The PRIs in Scheduled Areas are treated on the same footing as in the non-PESA areas except for reservation of seats and posts as provided in the Central Act. In consequence, the role of state agencies, political leadership, the bureaucracy and the attitude of non-tribals and power holders continue to dominate in the traditional fashion without any change or orientation in outlook.
- There is hardly any prescribed or unwritten mechanism by which the tribals in PESA areas could demand for proper implementation of PESA Act and require state legislative measures to their advantage.
- Although the traditional practices of community resources have been acknowledged by the state, which includes forests of all descriptions, yet the precise relationship between the community, the Gram Sabha and the state, needs clear formulation and clarification.

Suggestive Recommendations

The suggestions that emerged from the opinions of various key stake- holders and study results of the present study are placed for considering those as policy recommendations:

- Extensive training and awareness programmes should be given at block and GP level.
- NGOs may be organised to take initiative for arranging awareness programmes in greater scale in rural areas atleast at GP & block levels.
- Important dominating persons/leaders among tribals should be identified to create non-governmental cadres at GP level for strengthening implementation of PESA Act.

They should be well trained about PESA Act in order to further disseminate awareness in their respective areas on implementation of PESA Act.

- Special officers should be appointed/designated to monitor implementation of PESA Act in each scheduled district.
- Elected representatives of PRIs should be given intensive training on PESA Act and role of Gram Sabha for effective implementation of the Act.
- WEOs should identify the illegal money lenders and bring to the notice of the concerned BDOs/sub-collectors for taking action against them.
- Since sub-collector is the competent authority for issuing licenses to the moneylenders, illegal money lending can be tracked and reported through Tahasildars/RIs, for needful action against them.
- The MFP price determined at Panchayat Samiti level should be communicated to Panchayats regularly by a specific date and month in lease year.
- The MFP price should be fixed considering local market price keeping in the interest of tribal gatherers.
- Price list should be displayed at Panchayat office and public places including village markets.
- Monitoring by Panchayat functionaries is highly needed to identify the traders doing business without registering with Panchayat. For this, they should be given legal powers to prosecute defaulters.
- Illegal liquor shops should be strictly prohibited. If any such case is detected, he should be penalized. The Gram Panchayat should be empowered to take legal action against illicit liquor business.
- Local leaders should be vigilant when the process of opening of liquor shop starts. The opinion of Gram Sabha on liquor licence should be binding and absolute.
- Close monitoring is essential to stop transaction of land transfer between tribals which is still prevailing on verbal understanding.
- Market infrastructure should be developed. Markets under the control of RMC be transferred to the Gram Panchayats.
- The state government needs to frame detailed rules under PESA Act which has been unduly delayed without waiting for such rules to be notified by government of India.
- In matters relating land acquisition, rehabilitation and resettlement lease of minor minerals, the Gram Panchayats should be endowed with the power of consent and recommendation which shall be binding. These powers be withdrawn from Zilla Parishad and the relevant law suitably amended.
- A high power committee/task force be constituted to monitor and review the working of PESA Act in the state under the monitoring supervision of Hon'ble Governor of the state.
- Representatives of all concerned departments with regard to money-lending, land alienation and restoration, control over money-lending, control over intoxicants, regulation of village markets, preparation and finalization of tribal sub-plan etc may be included in the high power committee.
- The TAC should discuss and review implementation of PESA Act in the state in its meeting on regular basis. A special chapter in the Annual Administration Report of Governor on Scheduled Areas be included.
- Functionaries from district level down below be entrusted with specific target-oriented responsibilities with in-built accountability and transparency mechanisms.
- If a setup rules under PESA Act is not finalized and approved immediately, atleast a set up detailed guidelines could be prepared and approved for implementation.

- ❖ It is suggested that an institution like ombudsman could be created with full, independent and transparent authority to monitor, oversee, and impart guidance to government on implementation of PESA Act, Forest Right Act and other legislations intended directly or indirectly for overall development of Scheduled Areas. This body can function under direct control and direction of the Governor of the state.

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ANNEXURE – I

Table 4.3

Sex wise distribution of Head of the House Holds

Name of the District	Name of the Block	Name of the GP	No of HHs	No of HHs	
				Male Headed	Female Headed
Keonjhar 414 HHs	Saharapada 198HHs	Saharapada	152 (100)	135 (88.81)	17 (11.19)
		Damahuda	46 (100)	42 (91.30)	4 (8.70)
	Bansapal 216HHs	Bansapal	100 (100)	100 (100)	0 (0.0)
		Kadakala	116 (100)	114 (98.27)	2 (1.73)
		Sub-total	**414 (100)**	**391 (94.44)**	**23 (5.56)**
Kandhamal 282HHs	Khajuriapada 105 HHs	Khajuriapada	51 (100)	45 (88.23)	6 (11.77)
		Gudari	54 (100)	48 (94.11)	6 (5.89)
	Phiringia 177 HHs	Phiringia	93 (100)	83 (89.24)	10 (10.76)
		Gochapada	84 (100)	80 95.23)	4 (4.77)
		Sub-total	**282 (100)**	**256 (90.78)**	**26 (9.22)**
Sundergarh 360 HHs	Lahunipada 174 HHs	Lahunipada	98 (100)	76 (77.55)	22 (22.45)
		Haladikudar	76 (100)	69 (90.78)	7 (9.22)
	Tangarapali 186HHs	Tangarapali	83 (100)	78 (93.97)	5 (6.03)
		Megeda	103 (100)	100 (97.08)	3 (2.92)
		Sub-total	**360 (100)**	**323 (89.72)**	**37 (10.28)**
Nabarangpur 472HHs	Umorkote 340 HHs	Burja	146 (100)	131 (89.72)	15 (10.28)
		Singisiri	194 (100)	187 (96.39)	7 (3.61)
	Tentulikhunti 132 HHs	Tentulikhunti	60 (100)	57 (95.00)	3 (5.00)
		Kangra	72 (100)	66 (91.66)	6 (8.34)
		Sub-total	**472 (100)**	**441 (93.43)**	**31 (6.57)**
4 Districts	**8 Blocks**	**16 GPs**	**1528 (100)**	**1411 (92.34)**	**117 (7.66)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Table 4.6

Age group of Head of House Holds

District	Block	GP	NO of HHS	AGE GROUP of HHH		
				15-45	46-60	61 Above
Keonjhar	Saharapada	Saharapada	152 (100)	76 (50.00)	65 (42.76)	11 (7.24)
		Damahuda	46 (100)	21 (45.65)	23 (50.00)	2 (4.35)
	Bansapal	Bansapal	100 (100)	86 (86.00)	14 (14.00)	0 (0.0)
		Kadakala	116 (100)	83 (71.55)	32 (27.58)	1 (0.87)

		Sub-total	**414 (100)**	**266 (64.25)**	**134 (32.37)**	**14 (3.38)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	18 (35.29)	17 (33.33)	16 (31.37)
		Gudari	54 (100)	20 (37.04)	19 (35.18)	15 (27.78)
	Phiringia	Phiringia	93 (100)	33 (35.48)	40 (43.01)	20 (21.51)
		Guchapada	84 (100)	42 (50.00)	26 (30.95)	16 (19.05)
		Sub-total	**282 (100)**	**113 (40.07)**	**102 (36.17)**	**67 (23.76)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	39 (39.79)	36 (36.73)	23 (23.46)
		Haladikudar	76 (100)	43 (56.58)	21 (27.63)	12 (15.79)
	Tangarapali	Tangarapali	83 (100)	42 (50.60)	24 (28.92)	17 (20.48)
		Megeda	103 (100)	54 (52.43)	39 (37.86)	10 (9.71)
		Sub-total	**360 (100)**	**178 (49.44)**	**120 (33.33)**	**62 (17.23)**
Nabarangpur	Umorkote	Bruja	146 (100)	101 (69.18)	31 (21.23)	14 (9.59)
		Singisiri	194 (100)	144 (74.23)	38 (19.59)	12 (6.18)
	Tentulikhunti	Tentulikhunti	60 (100)	31 (51.66)	24 (40.00)	5 (8.34)
		Kangra	72 (100)	45 (62.50)	20 (27.78)	7 (9.72)
		Sub-total	**472 (100)**	**321 (68.01)**	**113 (23.94)**	**38 (8.05)**
Total			**1528 (100)**	**878 (57.46)**	**469 (30.69)**	**181 (11.85)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Table 4.11
Type of Family and nature of house

District	Block	GP	No. of HHs	Nuclear Family	House Owned	Nature of House		
						Pucca	Semi Pucca	Kutcha
Keonjhar	Saharapada	Saharapada	152 (100)	148 (97.36)	152 (100)	2 (1.32)	1 (0.66)	149 (98.02)
		Damahuda	46 (100)	35 (76.08)	45 (97.83)	0	0	46 (100)
	Bansapal	Bansapal	100 (100)	100 (100)	100 (100)	2 (2.00)	0	98 (98.00)
		Kadakala	116 (100)	115 (99.14)	115 (99.14)		0	116 (1.00)
		Sub-total	**414 (100)**	**398 (96.13)**	**412 (99.52)**	**4 (0.97)**	**1 (0.24)**	**409 (98.79)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	51 (100)	51 (100)	0	18 (35.29)	33 (64.71)
		Gudari	54 (100)	51 (94.44)	54 (100)	2 (3.70)	16 (29.63)	36 (66.67)
	Phiringia	Phiringia	93 (100)	91 (97.85)	90 (96.77)	0	6 (6.45)	87 (93.55)
		Gochapada	84 (100)	84 (100)	83 (98.80)	1 (1.19)	25 (29.76)	58 (69.05)
		Sub-total	**282 (100)**	**277 (98.23)**	**278 (98.58)**	**3 (1.06)**	**65 (23.05)**	**214 (75.89)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	97 (98.98)	90 (91.84)	11 (11.22)	13 (13.26)	74 (75.51)
		Haladikudar	76 (100)	67 (88.16)	3 (3.94)	0	3 (3.94)	73 (96.06)
	Tangarapali	Tangarapali	83 (100)	83 (100)	75 (90.36)	0	13 (15.66)	70 (84.34)

		Megeda	103 (100)	101 (98.06)	103 (100)	1 (0.97)	24 (23.30)	78 (75.73)
		Sub-total	**360 (100)**	**348 (96.67)**	**271 (75.28)**	**12 (3.33)**	**53 (14.72)**	**295 (81.95)**
Nabarangpur	Umorkote	Bruja	146 (100)	139 (95.20)	146 (100)	10 (6.85)	13 (8.90)	123 (84.35)
		Singisiri	194 (100)	192 (98.97)	194 (100)	7 (3.61)	14 (7.21)	173 (89.18)
	Tentulikhunti	Tentulikhunti	60 (100)	60 (100)	51 (85.00)	2 (3.33)	22 (36.67)	36 (60.00)
		Kangra	72 (100)	72 (100)	70 (97.22)	4 (5.55)	3 (4.17)	65 (90.28)
		Sub-total	**472 (100)**	**463 (98.09)**	**461 (97.67)**	**23 (4.87)**	**52 (11.02)**	**397 (84.11)**
TOTAL			**1528 (100)**	**1486 (97.25)**	**1422 (93.06)**	**42 (2.75)**	**171 (11.19)**	**1315 (86.60)**

Table 5.7

Reason for not participating in Gram Sabha

Name of the district	Name of the block	Name of the GP	No of respondents not participated in GS	Time constraint	No benefit	No interest	No information about Gram Sabha	Conduct of no Gram Sabha	Any other
Keonjhar	Saharapada	Saharapada	107 (100)	28 (26.17)	20 (18.69)	40 (37.38)	19 (17.76)	0	0
		Damahuda	29 (100)	13 (44.83)	4 (13.79)	9 (31.03)	5 (17.25)	0	0
	Bansapal	Bansapal	69 (100)	1 (1.45)	0 (0.0)	23 (33.33)	44 (63.77)	1 (1.45)	0
		Kadakala	83 (100)	60 (72.28)	2 (2.42)	13 (15.66)	8 (9.64)	0	0
		Sub-total	**288 (100)**	**102 (35.42)**	**26 (9.03)**	**85 (29.51)**	**76 (26.39)**	**1 (0.35)**	**0**
Kandhamal	Khajuriapada	Khajuriapada	47 (100)	9 (19.15)	0	0	38 (80.85)	0	0
		Gudari	46 (100)	18 (39.13)	0	2 (4.35)	26 (56.52)	0	0
	Phiringia	Phiringia	76 (100)	1 (1.31)	1 (1.31)	0	74 (97.38)	0	0
		Guchapada	65 (100)	4 (6.15)	3 (4.62)	1 (1.54)	57 (87.69)	0	0
		Sub-total	**234 (100)**	**32 (16.68)**	**4 (1.71)**	**3 (1.28)**	**195 (83.33)**	**0**	**0**
Sundergarh	Lahunipada	Lahunipada	81 (100)	0	1 (1.23)	11 (13.58)	71 (87.65)	0	0
		Haladikudar	50 (100)	2 (4.00)	30 (60.00)	1 (2.00)	8 (16.00)	9 (18.00)	0
	Tangarapali	Tangarapali	12 (100)	8 (66.67)	1 (8.33)	2 (1.67)	1 (8.33)	0	0
		Megeda	18 (100)	11 (61.11)	3 (16.67)	3 (16.67)	7 (38.89)	0	0
		Sub-total	**161 (100)**	**21 (13.04)**	**35 (21.74)**	**17 (10.56)**	**87 (54.04)**	**9 (5.59)**	**0**
Nabarangpur	Umorkote	Bruja	56 (100)	8 (14.28)	12 (21.43)	10 (17.86)	26 (46.43)	0	0
		Singisiri	46 (100)	12 (26.09)	11 (23.91)	6 (13.04)	17 (36.96)	0	0
	Tentulikhunti	Tentulikhunti	31 (100)	4 (12.91)	6 (19.35)	19 (61.29)	2 (6.45)	0	1 (3.22)
		Kangra	42 (100)	5 (11.90)	6 (14.29)	7 (16.67)	24 (57.14)		
		Sub-total	**175 (100)**	**29 (16.57)**	**35 (20.00)**	**42 (24.00)**	**69 (39.43)**	**0**	**1 (0.57)**
Total			**858 (100)**	**184 (21.45)**	**100 (11.65)**	**147 (17.13)**	**427 (49.78)**	**10 (1.16)**	**1 (0.12)**

N.B-House Holds answered more than one answer
Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Table 6.1

Dependence on others to meet extra expenses

Name of the District	Name of the Block	Name of the GP	Number of HHs	No of HHs depending on others to meet extra expenses
Keonjhar	Saharapada	Saharapada	152 (100)	92 (60.53)
		Damahuda	46 (100)	20 (43.48)
	Bansapal	Bansapal	100 (100)	92 (92.00)
		Kadakala	116 (100)	104 (89.65)
		Sub-total	**414 (100)**	**308 (74.39)**
Kandhamal	Khajuriapada	Khajuriapada	51 (100)	42 (82.35)
		Gudari	54 (100)	35 (64.81)
	Phiringia	Phiringia	93 (100)	91 (97.84)
		Guchapada	84 (100)	53 (63.09)
		Sub-total	**282 (100)**	**221 (78.37)**
Sundergarh	Lahunipada	Lahunipada	98 (100)	91 (92.86)
		Haladikudar	76 (100)	72 (94.74)
	Tangarapali	Tangarapali	83 (100)	82 (98.79)
		Megeda	103 (100)	99 (96.12)
		Sub-total	**360 (100)**	**344 (95.55)**
Nabarangpur	Umorkote	Bruja	146 (100)	88 (60.27)
		Singisiri	194 (100)	153 (78.86)
	Tentulikhunti	Tentulikhunti	60 (100)	52 (86.67)
		Kangra	72 (100)	63 (87.50)
		Sub-total	**472 (100)**	**356 (75.42)**
Total			**1528 (100)**	**1229 (80.43)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

Table 6.5

Existence of liquor shop

Name of The District	Name of the Block	Name of the GP		Where it is			Illicit/unlicensed inform Sarpanch			Yes, what action taken
			Local liquor shop	Illicit/un licensed	Licensed	Do not know	Yes	No	No idea	No action taken
Keonjhar	Saharapada	Saharapada	4 (100)	2 (50.00)	2 (50.00)	0	0	2 (100)	0	0
		Damahuda	0	0	0	0	0	0	0	0
	Bansapal	Bansapal	34 (100)	31 (91.18)	1 (2.94)	2 (5.88)	1 (3.22)	15 (48.39)	15 (48.39)	1 (100)
		Kadakala	1 (100)	0	0	1 (100)	0	0	0	0
		Sub-total	**39 (100)**	**33 (84.62)**	**3 (7.69)**	**3 (7.69)**	**1 (3.03)**	**17 (51.51)**	**15 (45.45)**	**1 (100)**
Kandhamal	Khajuriapada	Khajuriapada	24 (100)	4 (16.67)	2 (8.33)	18 (75.00)	0	1 (25.00)	3 (75.00)	0

		Gudari	33 (100)	20 (60.60)	0	13 (39.40)	0	12 (60.00)	8 (40.00)	0
	Phiringia	Phiringia	28 (100)	1 (3.57)	0	27 (96.43)	0	1 (100)	0	0
		Guchapada	25 (100)	12 (48.00)	0	13 (52.00)	0	1 (8.33)	11 (81.67)	0
		Sub-total	**110 (100)**	**37 (33.64)**	**2 (1.81)**	**71 (64.54)**	**0**	**15 (40.54)**	**22 (59.46)**	**0**
Sundergarh	Lahunipada	Lahunipada	60 (100)	0	60 (100)	0	0	0	0	0
		Haladikudar	1 (100)	1 (100)	0	0	0	0	1 (100)	0
	Tangarapali	Tangarapali	28 (100)	2 (7.14)	0	26 (92.86)	0	2 (100)	0	0
		Megeda	25 (100)	1 (4.00)	0	24 (96.00)	0	1 (100)	0	0
		Sub-total	**114 (100)**	**4 (3.51)**	**60 (52.63)**	**50 (43.86)**	**0**	**3 (75.00)**	**1 (10.00)**	**0**
Nabarangpur	Umorkote	Bruja	3 (100)	1 (33.33)	2 (66.67)	0	0	0	1 (100)	0
		Singisiri	58 (100)	0	56 (96.55)	2 (3.45)	0	0	0	0
	Tentulikhunti	Tentulikhunti	23 (100)	0	12 (52.17)	11 (47.83)	0	0	0	0
		Kangra	0	0	0	0	0	0	0	0
		Sub-total	**84 (100)**	**1 (1.19)**	**70 (83.33)**	**13 (1548)**	**0**	**0**	**1 (100)**	**0**
Total			**347 (100)**	**75 (21.61)**	**135 (38.90)**	**137 (39.48)**	**1 (1.33)**	**35 (46.67)**	**39 (52.00)**	**1 (100)**

Note: Figure in the bracket indicates percentage to the total
Source: Field survey 2012

ANNEXURE – II

Table 5.3
Correlation matrix

		Awareness level	Literacy	Participation	Location of GP
Pearson Correlation	Awareness level	1.000	.138	-.174	-.009
	Literacy	.138	1.000	-.271	.478
	Participation	-.174	-.271	1.000	-.233
	Location of GP	-.009	.478	-.233	1.000
Sig. (1-tailed)	Awareness level	.	.305	.259	.487
	Literacy	.305	.	.155	.031
	Participation	.259	.155	.	.193
	Location of GP	.487	.031	.193	.
N	Awareness level	16	16	16	16
	Literacy	16	16	16	16
	Participation	16	16	16	16
	Location of GP	16	16	16	16

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.223(a)	.050	-.188	12.31326

a Predictors: (Constant), VAR00004, VAR00003, VAR00002

ANOVA(b)

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	95.605	3	31.868	.210	.887(a)
	Residual	1819.395	12	151.616		
	Total	1915.000	15			

a Predictors: (Constant), VAR00004, VAR00003, VAR00002
b Dependent Variable: VAR00001

Coefficients(a)

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	15.102	18.377		.822	.427		
	Literacy	.131	.283	.151	.463	.652	.745	1.342
	No of participation	-.074	.136	-.161	-.547	.595	.913	1.096
	Location of GP	-2.608	7.117	-.118	-.366	.720	.760	1.315

a Dependent Variable: VAR00001

Table 5.8
Descriptive statistics

	Mean	Std. Deviation	N
Participation	39.7500	24.43631	16
BPL families	79.0625	19.46782	16
Literacy	61.6875	13.02674	16
Age	54.1250	14.89015	16

Table 5.9
Correlations matrix

		Participation	BPL families	Literacy	Age
Pearson Correlation	Participation	1.000	-.605	-.271	.409
	BPL families	-.605	1.000	.615	-.580
	Literacy	-.271	.615	1.000	-.594
	Age	.409	-.580	-.594	1.000
Sig. (1-tailed)	Participation	.	.006	.155	.058
	BPL families	.006	.	.006	.009
	Literacy	.155	.006	.	.008
	Age	.058	.009	.008	.
N	Participation	16	16	16	16
	BPL families	16	16	16	16
	Literacy	16	16	16	16
	Age	16	16	16	16

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.632(a)	.399	.249	21.17407

a Predictors: (Constant), VAR00004, VAR00002, VAR00003

ANOVA(b)

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3576.904	3	1192.301	2.659	.096(a)
	Residual	5380.096	12	448.341		
	Total	8957.000	15			

a Predictors: (Constant), VAR00004, VAR00002, VAR00003
b Dependent Variable: VAR00001

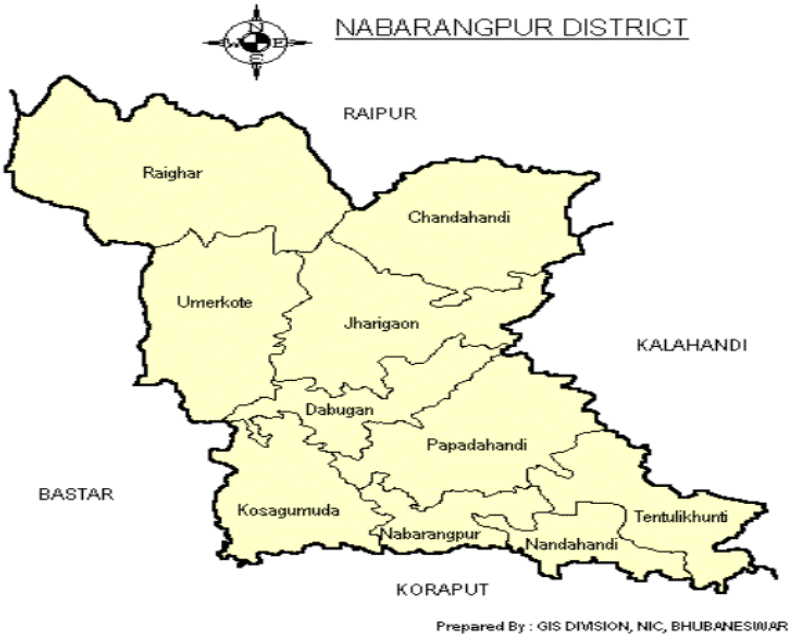
Coefficients(a)

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	62.651	56.644		1.106	.290		
	BPL families	-.813	.378	-.647	-2.148	.053	.551	1.815
	Literacy	.427	.573	.228	.746	.470	.537	1.863
	Age	.277	.485	.169	.571	.578	.573	1.746

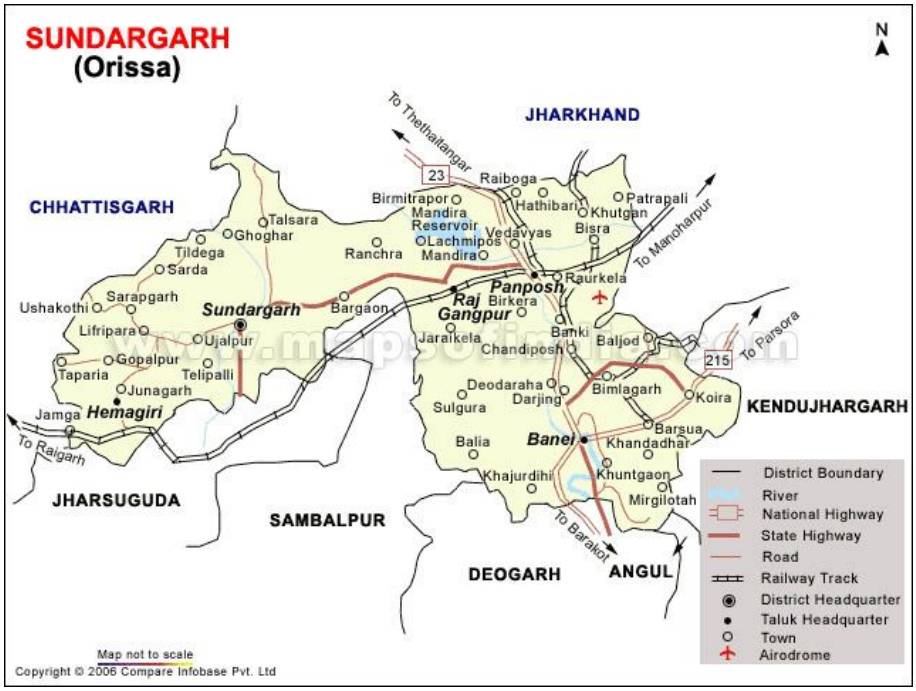
a Dependent Variable: VAR00001

LIST OF MAPS

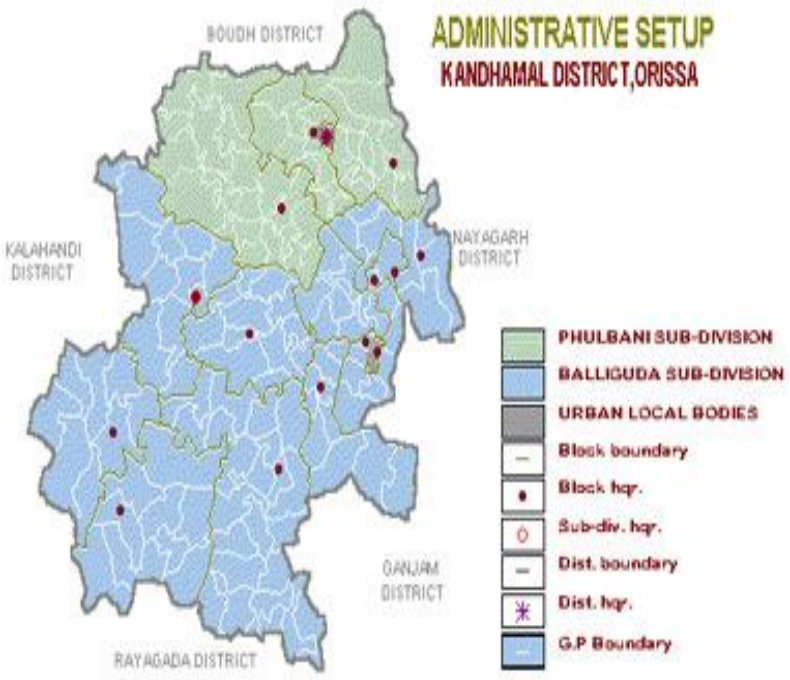
1. Nabarangpur District



2. Sundargarh District



3. Kandhamal District



4. Keonjhar District